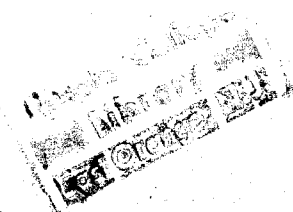


PART II: LELAND OLDS ON ATOMIC POWER

THE *Nation*



June 6, 1953

20¢

Does Silence Mean Guilt?

THE FIFTH AMENDMENT CONTROVERSY

*by Norman Redlich and
Laurent B. Frantz*

EVERY
WEEK
SINCE
1865

Letters

Challenging Mr. Wittenberg's Article

Dear Sirs: In his excellent article *How to Say No to the Demagogues* [issue of May 9] Philip Wittenberg counsels witnesses before Congressional inquisitors to challenge their authority to inquire into political opinion. That is precisely what nine of us from Hollywood did—and we went to prison just the same.

No one of us invoked the Fifth Amendment in refusing to answer questions about trade-union and political affiliations. All of us, to use Mr. Wittenberg's phrase, raised "the clear issue of the committee's offensive conduct," cited the secrecy of the ballot, the Bill of Rights, the impertinence of the inquiry. It seemed to do no good.

While I might be inclined to agree when Mr. Wittenberg deplores the need to invoke the constitutional privilege against self-incrimination—and I certainly agree that the inquisitors have so distorted facts as to make such invocation in itself appear a confession of guilt—I would ask him: please, what else can a witness do these days? When the challenge to the committee's authority is answered by a contempt conviction good for a year in prison and a perjury conviction—"provable" by the testimony of any hired perjurer the inquisitors choose to trot out—can bring five, what would Mr. Wittenberg suggest to keep other decent citizens out of jail? None of the nine men from Hollywood, I am sure, regrets the time he served for challenging the House un-Americans. But we are all anxious to see that no one else is forced to pay such a price for defending our traditional freedoms.

To my layman's mind—which becomes increasingly unimpressed by attorneys' apparently endless faith in the courts—Mr. Wittenberg misses the point of the whole show: that the inquisitors are not interested in the law or even in the witnesses they pillory. They are the spokesmen and the agents of the most reactionary and fascist-minded sections of big business and they have a job to do: to black-list, intimidate, destroy militant defenders of the democratic rights of the people and to silence those who might in any way challenge the authority of their principals.

San Francisco

ALVAH BESSIE

[It is true that the Supreme Court refused to review the conviction of the Hollywood Ten. Mr. Wittenberg, however, raised an issue which is not based directly on the Bill of Rights. What he argues is that the inquisitorial hearings have become in effect "trials" and thus represent an encroachment on the judicial function. To our knowledge, the Supreme Court has not been asked to pass directly on this issue.—EDITORS THE NATION.]

Rediscovered Us

Dear Sirs: Thanks for the article by Philip Wittenberg. I shall file it for future use. I am a little ashamed to confess that it was this article which prompted me to buy, and thus rediscover, your estimable journal. Today I was standing in a super-market queue, discussing the article with a friend whom I met there when the man behind me, a stranger and very "conservative" looking, broke in and said, "*The Nation* is the only magazine which has the right to call itself one in the whole country. In fact, it's the only newspaper we have!"

New York

JEAN PURCELL

Orchid for Beale

Dear Sirs: The article *Teacher as Rebel—His War for Freedom* by Howard K. Beale in the May 16 issue of *The Nation* is outstanding in its readability and perspicacity. It is refreshing to find an author who sheds new light on this tremendous problem of freedom to learn and at the same time writes succinctly and clearly.

RICHARD BARNES KENNAN,
Secretary, National Commission
for the Defense of Democracy
Through Education

Washington

Voice of Liberalism

Dear Sirs: Allow me to thank you for the courage and level-headedness repeatedly evinced by *The Nation* since its partial reorganization a few months ago. Always liberal, always dynamic, today it is more consistent and fearless than ever before. The so-called neo-conservatives led by the paradoxical Peter Viereck deplore its influence, and Elmer Davis has told them in print that *The Nation*

is not as "important" as they seem to believe—or fear. I hope Mr. Davis is mistaken. As the journal of advanced liberal opinion that *The Nation* now definitely is it should command a wide and appreciative circulation. We need it to speak for the America of Jefferson, Jackson, Cleveland, Wilson, and Franklin Roosevelt and his brilliant brain trust.

The Eisenhower Administration is hopelessly blind and ignorant. It is converting the once democratic republic into a predatory plutocracy tempered only by dread of a major depression. As *The Nation* has said editorially, the Dulles foreign policy, particularly as exemplified by its promises and deeds in Indo-China, is thoroughly reactionary and stupid. Mr. Dulles is an international lawyer, not really a diplomat. He doesn't know obsolete colonialism and discredited imperialism when he is forced to deal with them. He is another Charles E. Wilson; to him, what is good for big business is good for the country. How long will the people who trusted the Eisenhower crusaders and orators cling to their delusions and fancies?

La Jolla, Cal.

VICTOR S. YARROS

The Old South

Dear Sirs: In your issue of March 21 I noted an article by a neighbor of ours, Howard Snyder of Canton, Mississippi, in which he gave his impressions of the change that has come over the old South during the forty years he has resided in our state. With most of the facts of this article we are in hearty accord. However, some of the statements are quite shocking to an old-timer of the deep South. When he speaks of the "poor benighted hill farmers" being "soaked and saturated with hate for the Negro," we feel that it is a gross misrepresentation of the old South forty or even sixty years ago.

I was born and bred in the hills of Mississippi, the son of a tenant farmer, and from my earliest recollection have been intimately associated with Negroes. When I became twelve years of age, father was able to own his own land, and had Negro tenants on his farm and occasionally employed Negroes at wages until I was full grown and went to college. We boys worked along with them on the farm, splitting rails, building fences, and sharing every other experience pertaining to rural life.

As for mistreating the Negroes, our father never laid a lash on a one of

(Continued on page 491)

The Shape of Things

Revolt of the Puppet

From the time the Korean war began *The Nation* has been almost alone in pointing out how seriously the Syngman Rhee regime compromised the whole action undertaken in the name of the United Nations. Not only was Syngman Rhee regarded by Asians as an American puppet, he obviously enjoyed the special favor of General MacArthur and his military successors. When the U. N. army first pushed into North Korea, Rhee's political police followed right after, to establish his control in the conquered areas and "clean up" the unreliable elements. And although the U. N. ultimately forced the recall of Rhee's terrorists, his claim that all of Korea should come under his rule as soon as it was liberated was never formally turned down. Nor was his assumption that unification would be achieved by force of arms rather than by political measures after an armistice.

Today we reap the consequences of this series of blunders. The erstwhile puppet, grown great on American arms and flattery and dollars, has not only rejected the truce terms proposed by the U. N. command but threatens to fight to prevent their being carried out. As this week began, President Eisenhower and his advisers were obviously even more concerned about their Korean ally than about their Korean enemy. Suppose the Communists should accept the terms offered—or other reasonable terms—would the United States use its decisive military and economic power to force the South Koreans to yield? The choice is a horrid one, but we brought it upon ourselves.

Foreign Policy: Ike's or Taft's?

The President had to repudiate Taft. He had to do it plainly, firmly, and for "direct attribution." For the Senator put before him a clear alternative: he was forced to choose between his own foreign policy and that of the Congressional isolationists, between the fiction of party harmony and the survival of the Western coalition.

Mr. Taft may have thought the President would shilly-shally again. His capitulation on Morningside Heights last September 12 was a small Munich, but its immediate effect was limited to the balance of power within the

Republican Party. Had he used similarly cautious words about Taft's brush-off of the United Nations, he might have started the chain reaction that would ignite World War III. It would have been a big and possibly fatal Munich.

This he has forestalled, and in doing so he has both recaptured some degree of executive authority and shifted the balance of power away from the fanatic periphery of his party toward the center, where his own policy naturally rests. Taft's demand that we "abandon any idea of working with the United Nations" in the East had been expressed in more typical lingo by John O'Donnell in the *Daily News* (May 28). Commenting "cheerily" on the tonic effect of the Taft speech he remarked:

Did we say cheerily? Ancient as we are and stiff as the legs may be, we promise to dance at the foot of Forty-second Street on the day, and soon may it come, when Uncle Sam forecloses his mortgage on the U. N. house of glass and boots back to Europe the unwelcome foreigners who have been leeching on us North Americans since the day when the traitor Alger Hiss set up the charter in San Francisco back in April of 1945.

This wraps up the opposition line as snugly as anything we have seen.

The Need For Deeds

So Mr. Eisenhower must not imagine that he has done more than square off at the opposition. The Taft cohorts will close ranks and fight back; and if he tries to duck they will have him where they want him. As a soldier he presumably knows this. But while his rejection of the Taft position was straightforward, he showed less resolution in attacking the vicious Dirksen rider—voted twenty to three by the Senate Appropriations Committee—cutting off this country's financial contribution to the United Nations if Communist China should become a member. (The United States provides more than one-third of the U. N.'s annual budget.) Questioned on the proposal, Mr. Eisenhower said only that he considered it a very drastic cure and would want to think it over before commenting at greater length.

Weasel words like these are not enough. In fact, if the President's assertion of his own policy and authority is to stick, even strong words will not be enough. As he has so often advised the Russians, deeds will be neces-

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sary to convince his adversaries that he means business. He will, for example, have to stand firm on truce terms that the Senate isolationists, along with Chiang Kai-shek and Syngman Rhee, do not like. He will have to do better than in the recent past in consulting with his allies and in demonstrating his willingness to operate through the U. N. The President has "just begun to fight"—just barely begun. If he is to save his Administration and what it professes to stand for, he will have to go on fighting, and much harder, for he has a lot of lost ground to regain.

Profits, Yes; Risks, No

A number of recent developments underscore the importance of Leland Olds's fine series of articles on the key policy questions involved in the industrial uses of atomic power now running in this journal (see p. 478). On the same day that North American Aviation exhibited a model of an atomic-power generator—it will be completed in two years—the Atomic Energy Commission proposed that Congress enact legislation which would "create a favorable atmosphere" for the development of nuclear power for industrial uses by private enterprise. Representative W. Sterling Cole, chairman of the Joint Congressional Committee on Atomic Energy, has announced that public hearings on the subject will open on June 15.

In the meantime, the proposed 30 per cent cut in the 1954 atomic budget may have momentarily dampened the enthusiasm of big business to "have a go" at atomic power. Those industries, writes Eric Hodgins in *Fortune*, that are most involved in the atom's commercial future "gleam at the prospects but quail at the costs"; they do not want to see atomic power left on industry's doorstep "without a large feeding bottle of federal funds." Both motivations will be apparent in the Washington hearings. The committee should pay particular attention to the transcript of a recent conference on the industrial uses of atomic power which the National Industrial Conference Board has just released. It details in the most impressive manner the revolutionary implications not merely of atom-generated electric power but of the endless profitable uses to which radioactive atoms can be put, from measuring and automatically controlling the thickness of tin plate on a can to determining how different kinds of oil save wear in an automobile engine.

Naturally the interested companies "gleam at the prospects"; but they would, of course, like the public to underwrite the risk without sharing in the profits.

Mr. Atom and Mr. Malan

Some witness at the hearings should call the public's attention to the fact that atomic power has now pushed this country into what could prove to be a most em-

barrassing alliance with the Malan regime in South Africa. Late in May a large uranium-extraction plant was opened near Daggafontein, the first of a number of such plants which will be built. Already the world's largest producer of uranium, the Union of South Africa will now rapidly increase its production; by 1956 it should be furnishing about 40 per cent of the entire supply used by the A. E. C. Great Britain and this country have signed a ten-year contract with the Union and twenty-odd mines there under which approximately \$650,000,000 will be invested, insuring this country about three-fourths of the total output.

Uranium production in South Africa is certain to be enormously profitable, since it can be carried on there as a by-product of the business of mining gold. South Africa's purchases of American products, which have fallen off, will now increase rapidly, as will our involvement in South African internal affairs. Natives make up 90 per cent of the labor in the mines. A strike in the mines, one American diplomat told Edward Hughes of the *Wall Street Journal*, could "hit Oak Ridge, Tennessee, right in the belly." Malan's Nationalists are of course elated; they now have what they regard as "an iron-clad insurance" against any threats, external or internal, to peace and good order in South Africa. Will atomic power, which might be used to lift the world's colonial areas to a new level of prosperity and well-being, actually be used, at least initially, to strengthen white supremacy and add to the burdens of native peoples? An informed American public opinion can influence the kind of answer that will be given to this question.

Czech Devaluation

Announcing one of the most drastic currency devaluations in recent history, the Prague radio declared: "We will not allow that bourgeois elements be enriched." But while the "reform" may extinguish any remaining Czech capitalists, we doubt that it will console multitudes of workers or dissuade them from the belief that they have been swindled. In particular, the concurrent repudiation of all government securities issued since 1945 means the wiping out of huge amounts of workers' savings invested in this medium—savings which in many cases have been forced through obligatory payroll-deduction schemes.

The devaluation confirms reports of economic crisis in Czechoslovakia brought on to a large extent by the insistence of the Communist regime on over-rapid expansion of heavy industry at the expense of production of consumer goods. This, together with harvest failures, encouraged an inflationary situation and led to discontent among the workers that manifested itself in large-scale absenteeism and even, despite police-state sanctions, occasional strikes. It seems improbable, however, that the discontent will be allayed, since the revaluation of wages and prices which has also been ordered appears to mean

a serious reduction in real wages. Czech workers, who can hardly have forgotten that less than twenty years ago they enjoyed the highest living standards in Eastern Europe, must be growing increasingly skeptical about the blessings of communism.

The Present Danger

I. The Crisis in Leadership

LIKE sleepwalkers stumbling toward a precipice, the American people are moving toward a hazard which many of them sense but few can clearly see. Watchmen shout diverse warnings, but the mass of the people, stirring uneasily to a new consciousness, are still only vaguely aware of the danger. Friends in Europe perceive it and their warnings have begun to echo here, but not much time is left to awaken the nation. A thousand Paul Reveres are needed, as Senator Lehman has suggested, to ride forth and tell the people that their liberties are threatened. What is urgently needed is a Committee on the Present Danger to alert the people.

The present danger is of course "McCarthyism." This spring has seen the turning point in the career of the Wisconsin demagogue who picked up, so to speak, where Huey Long left off. For the first time, oddly enough, the Senator is being taken—and is taking himself—quite seriously. In the same week in which the Alsops announced (April 15) that it was now "almost universally agreed that McCarthy's objective is the Presidency," Bertrand Russell, writing as if he were looking backward to the 1950's from a fear-free London, gave American readers a brilliant account of how McCarthy triumphed in 1956. The Senator then confirmed these flattering forecasts by issuing the traditional disclaimer of the active candidate.

But talk of the Presidency is merely an aspect, not a cause, of the Senator's new look. His influence, instead of diminishing, as many expected, has greatly increased under the Eisenhower Administration. The Bohlen affair, the Voice of America hearings, the transatlantic clash with Mr. Attlee, these and a number of other events of the last four months have changed McCarthy the Irresponsible Bounder into McCarthy the Serious Contender for Power. Mr. Attlee merely voiced a question that has been troubling an increasingly large number of Americans: Is McCarthy so powerful that the President must listen when he speaks? Now even Sidney Hook is clamoring for "a national movement . . . to retire Senator McCarthy." But the rapid enlargement of the Stop-McCarthy forces has curiously failed to provide champions willing to take on Goliath. Who is there to lead the fight against fear demanded, with almost hysterical emphasis, in so many recent editorials, speeches, and sermons? The Eisenhower Administration does not in-

tend to force a showdown with McCarthy. The President emerged from the fight over Mr. Bohlen's confirmation victorious but worried, and definitely committed to a policy of avoiding a head-on collision at almost any price—witness the public humiliation of Mr. Stassen, the craven handling of Mrs. Mildred McAfee Horton's appointment, the forced resignation of Theodore Kagan from the "Voice" program, the shameful dismissal of Joseph M. Frankenstein from his post in the High Commissioner's Office at Bonn, and the ludicrous failure to carry through on the appointment of David Lee Shillinglaw, wealthy Chicago patron of the Administration, to the American delegation at the United Nations.

EACH TIME the Administration has been challenged by McCarthy, except in the Bohlen affair, it has sidestepped a showdown. The breach between the White House and the Senator, however, has widened to the point that Vice-President Nixon has become a regular go-between, setting up situations in which McCarthy can pose as the President's magnanimous friend and loyal supporter. ("It is a favor to the Senator," writes Doris Fleeson, "to give him a chance to make an apparently generous gesture toward President Eisenhower. He will always take it—until he is satisfied the Eisenhower luster is dimmed.") But the Administration is cunning as well as fearful: it wants McCarthy's help on the budget and other matters, and it also intends to use him in next year's Congressional elections, in which his influence could be decisive in five key campaigns—Illinois (Douglas), Iowa (Gillette), Minnesota (Humphrey), Montana (Murray), and West Virginia (Neely). It makes little sense, therefore, to petition the President to crack down on the Republicans' most effective demagogue—as some Democrats who wanted the President as the Democratic nominee in 1948 have been doing. McCarthy's influence has been linked with powerful elements in the Republican Party; to break with him would be to split the party. Nor can the President repudiate McCarthy without repudiating "McCarthyism"—the miracle-working formula which has given the right-wing coalition a new dynamism and coherence. For the President to repudiate McCarthyism would mean dispelling the fear which reaction exploited so successfully in the 1952 campaign.

The Democratic leadership is no more willing than the Republican to lead a crusade against McCarthyism. In two of the finest speeches of his distinguished career Senator Lehman has tried to induce the Democrats to launch "a frontal attack on McCarthyism," even at the risk of possible defeat, but the *New York Post* notes that the silence in high Democratic circles has been "significant and oppressive." The "old hands" incline to the view that what-to-do-about-McCarthy is a problem for the Republicans, not the Democrats. Most of the Dixiecrats, of course, agree with McCarthy, and the Dixiecrats

are to the Democrats what the corn-fed Dirksens are to the Republicans—the center of the party's power, at least in Congress. Apart from this, the Democratic leadership intends to place major reliance on local or regional issues in 1954. Writing in the *New York Times* of May 3, William S. White reported that "nothing on the horizon suggests a general Democratic adoption of the tactic recommended by Senator Lehman" of going all-out against the Republicans, "horizontally across the nation," on the issue of McCarthyism and civil liberties, rather than fighting them along regional or vertical lines. In short, the Democratic leaders, like the Republican, if not cheer-leaders for McCarthy are either unwilling to oppose him or cannot because they are politically isolated in their own party.

Given the existing dislike of McCarthy—and the recent polls reflect a larger "unfavorable" than "favorable" opinion—it may seem strange that politicians in both parties are so reluctant to grab the leadership of what might turn out to be a wave-of-the-future movement. But the explanation is obvious. McCarthy's appeal is to both parties and in about equal measure. "The forces of reaction," Senator Lehman notes, "are actually bipartisan, although they appear to have a strategic center in the present majority party." In close contests McCarthy's influence can be potent, for he can swing normally Democratic votes to the Republican column, and his influence is strongest in precisely those areas where the liberal Democrats have their largest following—in the highly industrial states. Just as the Republicans are delighted to have a campaigner who can strongly influence Catholic voters, so the Democrats hesitate to adopt a tactic that might alienate many Italian, Polish, and Irish Americans.

IT IS this strategically disposed power situation that enables McCarthy to feel that he has nothing to fear from the Democratic "left," which, already punished and smeared, he proposes to destroy in 1954. To him the liberal Democrats in and out of the Senate have always been "followers of the Communist Party line"; tomorrow they will be "card-carrying Communists." A recent cartoon in one of the labor papers showing a witness assuring a Congressional committee that he is not and never has been "a member of the Democratic Party" clearly foreshadows the McCarthy line in the 1954 election. Already Westbrook Pegler and his colleagues are demanding that the Congressional inquisitors cease trifling with second- and third-rate suspects and subpoena Eleanor Roosevelt, Justice Frankfurter, Henry Wallace, and Dean Acheson.

The crisis in political leadership accents the present danger that McCarthyism, meaning the worst bipartisan reaction, may score heavily in 1954 and even triumph in 1956. McCarthy is well aware of this crisis and exploits

it with skill and daring. Just as he cultivates his Democratic following by continuing his attacks upon the Republican-directed State Department, so he delights his Republican fans by stepping up the campaign against the fellow-travelers of Thomas Jefferson, Woodrow Wilson, and Franklin D. Roosevelt. Now he has begun to talk about protecting "small business"; next year—who knows?—he may appear as the "friend" of labor and the dirt farmers.

BECAUSE his appeal is bipartisan, only a bipartisan opposition stands much chance of being effective. In the 1930's the extreme right-wing elements of both parties were numerous, vocal, and fairly well financed, but leadership was lacking and programmatic differences stymied every effort to achieve unity and compact organization. The democratic coalition was then united under the leadership of Roosevelt. Today the situation is reversed. The right-wing elements have achieved unity and organization, while the democratic forces are disorganized, demoralized, and leaderless. The problem is to unite these factions in an alliance that can protect and even enlarge the liberal influence in Congress and bring a new majority to power in 1956. The opposition to McCarthyism is large and is increasing rapidly, but it cuts across every party, religious, racial, ethnic, sectional, and class interest. Precisely because it cuts across every grouping, the existing leadership is paralyzed and some new leadership must be stimulated.

Fortunately partisan organization is not needed in 1954, but even a bipartisan guerrilla army requires some organization. It need not be elaborate. If nearly a million coal miners can carry out a successful strike strategy by simply interpreting the raising and lowering of John L. Lewis's eyebrows, it should not be too difficult for a Committee on the Present Danger to rally the opposition to McCarthyism. In the meantime let those who oppose this evil demand the kind of leadership that will not compromise with it. Let them demand it in every group to which they belong and in every relationship of their lives. There is not enough time to bring new organizations into being, and the doctrine of guilt by association would seriously limit the effectiveness of those that might be formed. The problem is not to bring new forces into being but to set existing forces in motion. Every day the present danger is being more widely realized; already new stirrings can be noted in the labor movement, in the churches, on the campuses. The mystic chords of memory can yet swell to the chorus of the union if they are touched again, as surely they will be, by the better angels of our nature.

Next week we will deal with another aspect of the present danger: the necessity for clearer understanding of McCarthy's tactics, of how these tactics can be countered, and, above all, of how *not* to fight McCarthyism.

Magnificent Carnival

London

All countries need their symbols of unity and their opportunities of pagentry; they are both happier and less dangerous when these flow from the tradition of the country. This is the only sensible way to regard the Coronation.

Queen Elizabeth, as the saying goes, "has got everything." She is young and attractive; she has a son and daughter whose pictures, as they climb in and out of the drawing-room windows, suggest to every mother in the country that the home life of the Queen is after all very much like theirs. The Duke is as handsome as a prince should be. He is at home as a sailor and an air pilot and looks fine in either uniform. Almost every woman in the country subconsciously identifies herself with the Queen; her Coronation, at which the Archbishop crowns her and her husband is the first to pay homage, is surely the supreme fulfilment of feminine desire. If every woman is a Cinderella at heart, the Coronation is a fairy story in which we can all share. Amid cheering crowds the gingerbread coach with its pantomime footmen and circus horses rolls along, and out of its windows, smiling on an enchanted world, leans the young Queen herself, with her glass slippers barely hidden and Prince Charming by her side.

I am told that this royal triumph is due to the deep machinations of cunning men who give us every day more monarchy in our newspapers and more religion on the B.B.C. Such a propaganda element does exist; it has been at work ever since privilege began to fear democracy. It is less necessary, however, today than it was forty years ago and less even than it was in the thirties. For our society is floating on a tide of unreason. Men believed in the thirties that they could influence events. Today they feel disillusioned and helpless. They respond to every "human interest" item in the press, to everything intimate and non-political, to the royal fairy story, more than they did twenty years ago because they feel unable to face the affairs of the world. In 1953 newspapers have found that the public appetite for monarchy is unlimited. They have not been able to supply enough. If we deplore this, we are deploing a malaise of our age of which the worship of monarchy is one of the least important and less unhappy signs. No doubt the extravagant lengths to which it goes is a symptom of the same disease which started fascism on the Continent and gives McCarthy so much power in America today. But what a contrast as a symptom! If British democracy does no worse than this, we shall have little to complain of. The public is not under any illusions that we shall be saved by magic or that the Coronation is anything more than a magnificent carnival.

KINGSLEY MARTIN

June 6, 1953

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The French Crisis

Paris

A WEEK of consultations and interviews confirms my earlier impression that President Auriol is confronted this time with a crisis that cannot be dismissed as just another manifestation of France's "crazy politics." Technically its origin may be related to the fact that the majority in the present National Assembly has not yet found its point of equilibrium, while its instability has been increased by the anarchical situation of the Gaullist deputies, left free to act by the General's decision to abolish his party. But the real cause must be sought in the fruitless attempt of the French government to combine two irreconcilable policies: continue the war in Indo-China and at the same time build a strong economy that will permit France to fulfil its obligations to the Atlantic coalition.

Americans have been told by those unable or unwilling to understand the present economic difficulties of France that while every American is burdened by taxes the French do not pay taxes at all. This, of course, is not true. Every French citizen carries a greater tax burden than his American counterpart. Bare figures do not tell the story. One must take into consideration the standards of living in the two countries, the value and stability of the currencies, and many other factors. On the lower income levels a Frenchman after paying his taxes finds himself in a much worse situation than the corresponding American, who can count on a relatively stable dollar and arrange his business or personal budget accordingly. The French taxpayer does not know what the value of the franc will be six weeks ahead. At present the franc is greatly overvalued. The official rate is 350 francs to the dollar. On the *marché parallèle* (diplomatic language for the black market) francs sell today at 412 to the dollar, but the realistic exchange rate, based on the franc's true value in terms of what it will buy, would be 600 or 700 to the dollar. I could give many other proofs of how French-

men are taxed—directly and indirectly, visibly and under various disguises—far beyond their capacities.

M. René Mayer did not discover any way of convincing Washington that France must either negotiate with the Vietminh leaders and put an immediate end to the Indo-China war or cut its other military expenses, reduce by half its present commitments to NATO. Washington demands that France manage both obligations at once. Since that could not be done through normal political methods, M. Mayer asked the Assembly for "special powers," which would have meant a new delay in the unavoidable task of ending the Indo-Chinese war. The special powers were refused him, and the crisis followed.

I do not ignore the subsidiary though also important factors that contributed to his fall—the opposition of the distilling interests, the economic egoism of various financial and business groups with influence over the deputies, and so forth. But if the fundamental fact is missed—the fact that the war in Indo-China is ruining France and that from left to right impatience and outright anger are increasing as it drags on year after year—nothing about French politics will be understood. We shall have only the irritated or ironical American press comments repeating the old canard that the French are irresponsible individualists and that France cannot be "governed."

FROM THE first day of the crisis President Auriol exercised his experience and talents to try to find a way to put together a stronger coalition. A broadening of the coalition to the left was difficult so long as the Socialists remained convinced—as the recent elections indicated—that opposition was more rewarding than participation in the government. But in spite of President Auriol's unusual public pressure on them to take the responsibility of government, the Socialists refused; so Paul Reynaud was

asked to rally the other kind of majority—a right-to-center instead of a center-to-left majority. Reynaud's experiment turned out to be one of the most illuminating of this crisis, which in every aspect is so much more serious than those preceding it. Since it is impossible today for the right to come to power through the normal play of politics, Reynaud attempted a parliamentary coup d'état by proposing to the Assembly the alternative of either supporting the government whatever its program might be or committing hara-kiri by automatic dissolution and demanding new elections if it voted the government out.

The most important feature of his performance was his bold admission of the awakening of the workers, which *Nation* readers will recall was stressed in this column a couple of weeks ago. He challenged the bourgeois parties to recognize the existence of that still unmaterialized "rally of the left" which was looming on the horizon. In order to underline how seriously he took the menace of a return to some kind of popular front, under a new form of course, he addressed his argument chiefly to Pierre Cot, without doubt the other most brilliant speaker of the Assembly. In the dialogue between these two was concentrated the essence of the present political situation in France today.

But Reynaud's condition was rejected by a substantial majority, and Auriol turned next to Mendès-France, favorite of the left. Although undoubtedly he is one of the men best fitted to handle the mounting economic and financial crisis, his uncompromising opposition to the indefinite prolongation of the Indo-China war and his support of negotiations with Moscow reduce the likelihood of his obtaining the backing of the old majority. Thus it looks as if within a few hours or a few days the country would have another Prime Minister little different from those of the last three years. And all the problems of France will remain.

DOES SILENCE MEAN GUILT?

by *Laurent B. Frantz and Norman Redlich*

[The unusual amount of space given to this article is an indication of the importance that the editors attach to it. To assure its widest possible distribution, reprints have been ordered which are available at cost to individuals and groups.]

The authors have had broad experience in constitutional law. Laurent B. Frantz is the Law Librarian of Drake University; Norman Redlich, a member of the New York bar, has contributed to legal publications.]

THE ancient right to refuse to answer incriminating questions, embodied in the Fifth Amendment and in the laws or constitutions of every state, is now being put to its most vigorous test since its inception in England eight centuries ago. In an era of ever-expanding Congressional inquiry into personal beliefs, the privilege of invoking that right is the only effective legal weapon now available for the protection of witnesses. It is not surprising, therefore, that the investigators have attacked it as a legal technicality which shields Communists and Communist sympathizers. What is surprising is that even the critics of current investigations have condemned the use of the Fifth Amendment by "uncooperative" witnesses. The often repeated charge that the privilege is being "abused" reveals a lack of understanding of its nature and of the legal, moral, and practical reasons which compel witnesses to use it. And it ignores the key position which the privilege occupies in our constitutional framework.

The number of witnesses who claim the privilege increases daily as Congressional inquiries reach into new areas of American life. Typically, the Fifth Amendment is invoked when the witness is asked questions about his affiliation with the Communist Party or other organizations characterized as subversive. As a result of the generally accepted assumption that those who claim the right not to answer have some-

thing to hide, witnesses who do so have been subjected to severe economic and social penalties. In the current Congressional investigation into schools and colleges, for example, most witnesses who have refused to answer have subsequently lost their jobs or been effectively black-listed. New York City interprets its charter as requiring the discharge of any employee who refuses to answer questions for Fifth Amendment reasons. Although the faculty of the Harvard Law School voted against expelling two students who refused to answer a Congressional committee, it is generally thought that they will be unable to gain admission to the bar of any state. A recent statement by a group of university presidents, while setting forth a workable concept of academic freedom, accepted the idea that the status of a person invoking the privilege must be "reexamined." Even the American Civil Liberties Union has refused to disapprove the discharges of teachers and United Nations' employees who had invoked the Fifth Amendment.

EXCEPTIONS to this trend have been few. The Massachusetts Institute of Technology in 1951 refused to take any action against Dirk J. Struik, professor of mathematics, when he refused to answer questions asked by the House Un-American Activities Committee. (He was later suspended when indicted under a state statute for conspiring to overthrow the Commonwealth of Massachusetts.) Harvard University, while condemning the conduct of three professors who invoked the privilege, refused to discharge them, since they are not Communists at the present time. The recent convention of the American Association of University Professors resolved that invoking the Fifth Amendment "is not in and of itself justifiable cause for the dismissal of the faculty member," but it also felt constrained to add that "this statement is not to be construed as advising or generally approving such

action by teachers under investigation."

If a non-lawyer were to read the simple words of the Fifth Amendment, the right to avoid self-incrimination would appear very limited indeed. It says simply, "No person . . . shall be compelled in any criminal case to be a witness against himself." But the courts have held that the privilege may also be asserted in civil cases, grand-jury proceedings, legislative inquiries, and virtually every other form of official inquiry.

A similar meaning has been given by the courts to the various state provisions. Underlying this broad interpretation of the privilege is the deeply ingrained notion in Anglo-American jurisprudence that no person shall be forced to give testimony which may subject him to criminal punishment. Criminals and non-criminals alike are afforded this protection; without it, the power of the sovereign could easily make it impossible to distinguish the guilty from the innocent. It is no mere coincidence that the decline of torture as a recognized mode of questioning and the rise of a person's legal right to refuse to testify against himself were almost simultaneous developments in English history. For in a judicial system in which the accused must answer all questions, the police may be tempted to get the answers they want by any means available.

BECAUSE police authorities are thus required to obtain outside evidence against the accused, the rule has been attacked by prosecutors and investigators as an impediment to justice. The necessity of making a thorough and objective investigation of cases often seems like an unduly burdensome task, especially when the short cut of grilling the suspect might achieve more immediate results. But the history of our criminal law offers ample evidence that there are no real short cuts to justice. Sir James F. Stephen, historian of the English criminal law, has made a detailed comparison of a group of English and French trials.

In the English trials there was no power to question the accused. In the French trials the questioning of the prisoner was the high point in the proceeding. He concluded not only that the English procedure was more dignified and humane but that "in every one of the English cases the evidence is fuller, clearer, and infinitely more cogent than it is in any one of the French cases." Despite the intense criticism to which it has been subjected, the provision against self-incrimination remains an essential element in the whole pattern of procedural safeguards which seek to redress the terrible imbalance which might otherwise exist between the state and the accused.

The "No Inference" Rule

It is a strange commentary on our times that the exercise of so basic a right should be treated as sufficient ground for depriving a person of his livelihood. There is no legal justification for the conclusion that anyone who refuses to say whether or not he is a Communist must be one. In the federal courts and in most state jurisdictions the law permits no inference of guilt from a claim of the privilege—against either the accused or an ordinary witness—and neither court nor counsel can make any adverse comment upon it. As a practical matter, to allow the inference of guilt would destroy the protection of the Fifth Amendment, because the witness would then merely be given a choice between a verbal confession and a silent one.

The no-inference rule is a recognition of the fact that an innocent person could be forced to give testimony which would make it easier for the government to prove a case or which would make him appear guilty in the eyes of the public. Indeed, the witness who feels he has committed no crime but may nevertheless be jeopardized by his own testimony has a clear right to claim the privilege. His is one of the situations for which the privilege was particularly designed. To assume otherwise would be to assume that innocent people are never accused of crimes.

Contrary to popular belief, the fact which the witness is privileged to withhold does not have to be a crime or anything from which a crime could be directly inferred. It is enough that the

fact might furnish a link in a chain of evidence needed for prosecution. A recent Supreme Court case held a witness justified in refusing to say whether she knew the names of the state officers of the Communist Party. Another was held privileged to withhold knowledge of the whereabouts of a person who was being sought as a grand-jury witness. No criminality could be attributed to mere knowledge of these facts, but the question was "incriminating" in the special and highly technical sense required by the privilege, because it called for information which might prove helpful in a prosecution brought against the witness. That the information might prove helpful to a prosecution certainly does not warrant the assumption that the witness committed a crime. It would be absurd to say that a person may protect himself from the consequences of his statements if he is guilty but not if he is innocent. This, however, is the precise absurdity on which any inference of guilt drawn from a claim of privilege must necessarily rest.

If the no-inference rule is accepted in a courtroom, where the atmosphere is calm and the charges against an accused are specific, it should certainly be accepted in a legislative committee room, where a witness is often interrogated under bright lights, in the presence of newspapermen and photographers, and where the inquiry roams across the whole terrain of past associations and beliefs. Legislative committee hearings, together with the political setting in which they are held, have created a situation where the exercise of the privilege

is even more necessary than in a courtroom and where any inference of guilt is even less justified.

"Conspiracy" Pitfall

Witnesses today appear under circumstances emphasizing the importance of withholding a fact that might furnish only a link in a chain of evidence. Many of the "anti-subversive" laws passed by Congress and the states make it a crime to "conspire" to do an unlawful act. In a conspiracy prosecution the basic link in the chain of evidence is the association of two or more persons. If the jury finds that the purpose of the association was to commit a crime, the association itself is treated as criminal, even though the crime which the conspiracy allegedly sought to achieve was never committed. The process of proving a conspiracy is dangerous, and the danger is compounded in prosecutions for political conspiracies, for here the defendant's conspiracy consists largely of acts which would normally be considered protected by the First Amendment.

In a prosecution for conspiracy to violate the Smith act, for example, most of the evidence deals with participation in meetings at which public issues were discussed in a peaceful and orderly manner and nothing whatsoever was said about overthrowing the government. It deals with the distribution of publications in which the most imaginative interpreter could find no unlawful doctrine. The jury's belief that these acts were done in furtherance of an ultimate unlawful purpose transforms these acts and many more like them from constitutionally protected political activities into parts of a "conspiracy" to "advocate" violent revolution. Thus, if a witness has attended a meeting with no "intent" to overthrow the government, his attendance can nevertheless be used as proof of his participation in an unlawful conspiracy because the jury might have different views as to his "intent." It is therefore obvious that all questions which might tend to show an association between the witness and persons or groups regarded as subversive—itsself a nebulous term—are questions on which the privilege may be claimed, even though the witness knows these associations were wholly innocent. The association itself is a possible link in the evidentiary chain for a conspiracy prosecution. Such re-



Senator McCarthy



Senator Jenner

fusals to disclose political associations need not, by any means, be confined to associations with the Communist Party. The same chain of reasoning by which Communists have been convicted of conspiracy to advocate violent revolution will serve equally well to convict anyone who has participated in any activity involving Communists, if a jury cares to draw enough inferences regarding the witness's intent. For example, today membership in the Communist Party exposes a person to an indictment for conspiracy to teach or advocate violent revolution. Tomorrow membership in a group dominated by Communists could be used for the same purpose, regardless of the innocence of the member.

As Congress and the states pass other loosely drawn laws designed to curb subversive activity, the possibility increases that an innocent witness may furnish testimony which can lead to his conviction. For example, in the Internal Security Act of 1950 Congress has made it a felony, subject to ten years' imprisonment and \$10,000 fine, "for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship." Whether the constitutionality of this blunderbuss statute will be upheld, and if so what application of it will be permitted by the courts, will not be fully known for a long time. Meanwhile many persons guilty of nothing except an intellectual belief in principles which some other person might characterize as "totalitarian" are under its shadow and therefore have an enormous and indefinable area in which they may claim the right of silence.

Unfortunately, witnesses today are at a loss to know whether a seemingly innocent act can be used as part of an

evidentiary chain to prove a crime. In the Harry Bridges case, for example, the defendant's views on trade with China were deemed relevant as showing that he committed perjury in denying Communist Party membership. In the Rosenberg case the collection of money to aid refugees from Spanish fascism was deemed relevant as showing a motive to commit espionage. If, after all, we have reached the stage where a civil servant's criticism of Nationalist China creates "reasonable doubt" as to his loyalty, can an innocent witness be blamed for standing on the Fifth Amendment when asked questions about past associations or beliefs?

The Waiver Problem

Thus far, we have discussed the wide range of testimony which could incriminate innocent witnesses in an age of steadily increasing political crimes. This, however, is only a part of the problem. It does not in itself explain why a person who may never have been a member of the Communist Party will invoke the amendment when asked about such membership. Nor does it explain the frequent phenomenon of a witness who announces that he will answer anything about himself but nothing about other people. Why does this witness, who appears willing to tell about his own affiliations, claim the privilege when asked if he was ever a member of the Communist Party? Basic to an understanding of this problem is a concept which is rarely mentioned in public discussions of the Fifth Amendment but which presents the Congressional witness with what is probably his greatest difficulty. The concept is the complicated legal doctrine of waiver. The precise law of waiver in this field is still obscure, and its very obscurity intensifies the witness's problem. The main theme is this: by voluntarily disclosing an incriminating fact—that is, a fact which could lawfully have been withheld—the witness is deemed to have waived his privilege with respect to any fact related to the one disclosed. A witness who is willing to answer some questions is faced with a serious problem—that of what facts are "related" to the fact he has already disclosed. To the extent that a fact is related, he can no longer withhold it, for he will be told that he has "waived" the privilege. The dilemma in which

witnesses are placed has been cogently summed up by Justice Black in a dissenting opinion: "On the one hand, they risk imprisonment for contempt by asserting the privilege prematurely; on the other, they might lose the privilege if they answer a single question. This view makes the protection depend on timing so refined that lawyers, let alone laymen, will have difficulty in knowing when to claim it."

In a practical sense, the witness who claims the privilege too soon can usually correct his error before going to jail. He probably will be allowed to purge himself of contempt by answering the question. But the error of claiming the privilege too late can cause irreparable disaster. The only safe course for a witness who feels that at some point he will refuse to answer is to claim the



Representative Velde

privilege as early and as often as possible. Only in this way can he be fairly sure that he will not be trapped into unintentionally waiving the privilege.

Refusal to Inform

The effect of this waiver problem in current investigations is enormous. A witness, let us say, may have been at one time a member of the Communist Party or some other organization now regarded as subversive. Twenty years ago his membership in such an organization certainly would not have been condemned as it is today. The witness might be perfectly willing to testify freely about his own activities, which he regards as entirely innocent. Generally, however, Congressional committees use witnesses as a means of getting information about other people. A witness who



"They say she won't answer questions if she's called."

admits past membership in a subversive organization will then be asked to give the names of his associates. These associates may have been completely innocent of any subversive activity. They may have attended meetings years ago with no intent to harm the country. Many intellectuals in the 1930's toyed with Communist ideas and were interested in Marxist thinking. To reveal the names of these people could easily place innocent men in jeopardy. But the witness who has admitted his own membership can no longer refuse to testify about someone else because he has waived the privilege against self-incrimination. One thing is completely clear about the law of waiver: if the witness elects to talk freely about himself and then refuses to name others, he can be sent to jail for contempt. The Supreme Court specifically so held in the Rogers case.

The witness in this situation—and it is a very common one—has exactly three choices and no more: (1) he may become an informer and thereby, perhaps, gain the committee's confidence and approval for himself; (2) he may testify about himself, refuse to name others, and go to jail; (3) he may claim the privilege in regard to himself despite the fact that he would have preferred not to do so, and thus retain his right not to inform. To be an informer is morally open to those who approve the purposes of the investigation, but it is difficult to see how anyone who regards the current investigation as an assault on freedom of thought can conscientiously place others in the committee's line of

attack. The second choice is illegal. It is also somewhat quixotic, since it involves an election to go to jail rather than exercise a clear constitutional right. Persons who regard themselves as defenders of civil liberties must hold the Fifth Amendment in low esteem if they can even criticize a witness—let alone justify his discharge from a job—because he made the third choice.

This dilemma is even more acute for witnesses who may never have been members of subversive organizations. Though not a member himself the witness may have known Communists or Communist sympathizers in the past or may have attended Communist meetings at the invitation of a member. The witness may know other innocent people who attended meetings at which Communists were present. He does not wish to be an informer, but the only way to avoid it is to invoke the privilege against self-incrimination when asked about membership in the Communist Party. If the witness denies membership and the line of questioning proceeds, the next question may be, "Did you ever attend a Communist meeting?" This starts the very process of informing which the witness seeks to avoid. Thus even the non-member is forced to give the public impression of membership in order to avoid informing.

When a committee discovers that a witness will invoke the privilege, it often deliberately subjects him to the most extreme forms of publicity, and in the presence of newsmen, radio broadcasters, and TV cameras proceeds to torture

him with absurd and baseless accusations couched in the form of questions, such as "Were you a spy?" "Were you not in a position to pass secret information?" "Were you engaged in treasonable activities?" A witness who claims the privilege on such questions easily furnishes a Roman holiday for the newspapers. But he may be boiling with rage and frustration while he doggedly follows the advice of his lawyer that the only safe course, legally speaking, is to claim the privilege on *all* incriminating questions.

The entire problem is nicely illustrated by the case of Lillian Hellman, who made a bold but futile effort to resolve the dilemma. Having received an Un-American Activities Committee subpoena, Miss Hellman wrote the committee offering to talk freely about herself if she could obtain assurance that she would not be compelled to inform on others. The committee refused to make any such bargain, and Miss Hellman was compelled to claim the privilege on questions about herself.

Judge Jerome Frank of the Second Circuit Court of Appeals has suggested an answer to the problem created by the concept of "waiver." He has argued that the waiver has no place in an investigatory proceeding. It was originally intended to prevent a witness from harming the opposing side by presenting one side of the case and then invoking the privilege against self-incrimination. Since, in an investigation, there is no adversary to be harmed, it is Judge Frank's contention that the witness should be permitted to invoke the privilege at any point in the proceedings. Adoption by the courts of this rule would eliminate one major reason why people who are willing to talk about themselves still invoke the privilege against self-incrimination when asked about their activities.

Fear of Perjury

Perhaps the major factor inhibiting witnesses from answering today is the fear of subsequent indictment for perjury. For example, a person may at one time have considered joining the Communist Party, as many hungry or disillusioned people did in the 1930's. Perhaps he attended meetings of the party and discussed the possibility of membership with other people. In conversations with others he may have defended the

position of the Soviet Union and voiced ideas which today sound communistic. This person may have abandoned these ideas many years ago. If, however, he happens to be a prominent professor or scientist or government employee who has been attacked as a Communist he knows that the Department of Justice stands ready to indict him for perjury. If he is asked, "Have you ever been a member of the Communist Party," a wise lawyer should certainly advise him of the advantages of invoking the privilege of not incriminating himself. If he tells the truth and answers "No," he may be indicted for perjury, and the government may be able to build up a fairly strong case to show membership in the Communist Party. It is difficult to prove negative propositions. The witness may be able to offer little beyond his own word as direct evidence that he was never a member. He will be tried in an atmosphere highly unfavorable to his cause. The most innocent witness can feel little confidence that, once accused, he can be sure of acquittal.

THE CASE of Professor Owen Lattimore has made the threat of perjury so real that no witness can ignore it. Lattimore was indicted for perjury because there were minor discrepancies in his testimony and because he allegedly lied in denying that he was a "Communist sympathizer." He had been subjected to grueling investigation for weeks. Is there a witness who can be sure that after a lengthy examination some points in his testimony will not be at variance with another person's testimony, or even with his own testimony of an earlier date? Can anyone be sure that ideas which he may have expressed would not be characterized by an ambitious prosecutor as "sympathetic" to communism? It is true that Judge Luther Youngdahl dismissed aspects of the indictment relating to Lattimore's alleged Communist sympathies because they violated the First Amendment. But the government is appealing his decision. In the meantime the threat of a Lattimore-type indictment hangs over every witness. And even if Judge Youngdahl's decision is upheld, the threat of being indicted for minor discrepancies in testimony will remain.

It must be remembered that the problem of perjury runs both ways. A witness may not only fear his own indict-

ment. He may be reluctant to answer questions about someone else's activities for fear that his version of an event will differ from the other person's version. Honest men can have different recollections of the same event. In this respect, the problem of not wanting to be an informer has been compounded by the possibility that the witness's testimony could be used to indict someone else for perjury. Of course, the fear of perjury indictments either against himself or another party does not give a witness a legal right to remain silent. But if he has that right for some other reason, it may strongly influence him to exercise it.

We can therefore suggest at least the following reasons why a witness who feels himself wholly innocent of any crime may need the privilege and may have a right to it: (1) he may have done or said or joined something which was innocent in its own context, and may not be criminal even now, but which might be offered as evidence against him in a criminal case; (2) he may be willing to answer questions about himself but is forced to invoke the privilege for fear that any answer will constitute a waiver and will compel him to be an informer; (3) he may be moved by the fear that the truth would expose him or someone else to the danger of a perjury prosecution in which the cards would be stacked against the defendant. There is also a fourth: he may simply disapprove of the investigation itself and the methods by which it is conducted so strongly that he feels he cannot conscientiously give it any more cooperation than the bare minimum legally demanded of him. None of these situations is at all hypothetical or far-fetched. They are all highly characteristic of the type of investigation under discussion. They compel the conclusion that a witness who invokes the privilege is not necessarily guilty of anything.

The Amendment's Critics

Despite these valid reasons for invoking the Fifth Amendment, many people continue to attack the privilege and demand that it be restricted in scope. Let us examine some of their assertions. It is claimed, first, that the privilege is being used more extensively than ever before and in a way not originally intended. This is a strange charge, indeed, for it implies that the fault is with the witnesses. Actually, it is the interroga-

tors, not the interrogated, who have wrought the change. The increasing number of anti-subversive laws form the legal basis for the invocation of the privilege. As more acts become criminal, and as Congress investigates to see whether these criminal acts have occurred, it follows logically that more questions will tend to incriminate. This is the purpose of the privilege. To condemn it for this reason is to deny the very basis for its existence.

Another charge leveled against the privilege is that Congress can ask few if any questions which the witness is not privileged to refuse to answer. Doubtless this is annoying and inconvenient for the committees, but there is nothing startling or improper about it. It merely reflects the fact that the committee is investigating the guilt or innocence of the witness. When the witness is treated in effect as an accused, and the subject matter of the proceeding is really the question of his guilt, the hearing has become something very close to a criminal trial. Under these circumstances the witness's privilege should acquire a scope corresponding to that available to him if he were a defendant in a criminal trial. In such a trial the privilege of the accused is not a right to decline to answer particular questions. It is a right to refuse to be questioned at all.

THE PRIVILEGE is being criticized by some as an interference with the investigatory function of Congress. But Congress has no general investigatory function. It has a function, merely incidental to its duty to legislate, to find facts needed as a guide to legislation. Facts needed for this purpose seldom are and seldom could be withheld on Fifth Amendment grounds. Frequent claims of the privilege are a sure sign that the committee has departed from its constitutional role and is attempting to usurp the judicial function of determining the guilt or innocence of particular individuals. The McCarthy, Jenner, and Velde type of investigation is becoming a trial to such an extent that efforts to introduce some aspects of court procedure into it are being seriously discussed. That the privilege should be used to curb this judicial role is entirely proper. When committees hold trials, most constitutional rights are ignored—trial by jury, the right to know the nature and

cause of the accusation, the right to confront and cross-examine the accusers, and the right to have compulsory process for the production of evidence for the defense. The tendency of the Fifth Amendment to impede the development of trial by committee is one of its most important virtues. Its loss or serious impairment at this moment would immediately jeopardize the whole structure of procedural standards which the Constitution lays down for trying questions of personal guilt.

Limiting the Fifth Amendment would also seriously impair the rights guaranteed by the First Amendment. Of what use is the right of free speech if a Congressional committee may compel the speaker to disclose his beliefs with the aim of using them as proof of criminal conduct? Will men continue to speak freely if they may be compelled to justify their views in the hostile surroundings of a Congressional committee? The power to compel disclosures of any type of conduct for purposes of penalizing the witness necessarily involves a certain amount of control over the area

investigated. Such power may be harmless and necessary as long as the investigation is in fields which the government may properly regulate. When this power is used to investigate the field of disputed political ideas and theories, the freedom of thought that the First Amendment was intended to secure is under dangerous challenge.

The effort to limit this threat to free expression has occupied scores of excellent legal minds in numerous test cases. All the principles suggested have been rejected by the courts. Only when the Fifth Amendment was used has victory been won. If a witness decides to fight the committees at all, the weapon is not a matter of choice. The experience of hundreds of witnesses before him, transmitted to him by his lawyer, shows that he can fight only with the Fifth Amendment. Under these circumstances the privilege acquires a special constitutional significance it might not have in more normal times. It has become an indispensable shield for the protection of rights under the First Amendment. Without it the power of investigating

and penalizing ideas would have no effective limit.

When all these factors are considered, what becomes of the argument that those who invoke the privilege should lose their livelihoods because it is the duty of every American to "cooperate" with the committees? This approach pretends to accept the Fifth Amendment, yet asserts a duty to answer which the amendment denies. It pretends to view the McCarthyite investigations with alarm, yet requires unconditional cooperation with such investigations, above and beyond what the law itself requires. The extralegal pressures thus generated tend to bestow on the committees the power of compelling testimony which the Constitution attempted to withhold.

Modern Inquisition

The occasions on which the privilege is currently being invoked are dramatically and significantly parallel to those in which it had its origin. It was developed by religious dissenters to protect their freedom of belief and association; in England it brought a halt to the procedure by which the church inquisition hauled dissenters before it, forcing them to reveal their beliefs and to inform on their coreligionists. These religious dissenters, despite brutal maltreatment, courageously answered with an argument that marked the birth of our privilege. They did not contend that they had committed crimes which they had a right to conceal. On the contrary, in the words of Judge Jerome Frank, they "considered it no disgrace to commit the crime of heresy; they were proud of their heresy; if, without fear of punishment, they could have confessed to what the law denounced as heretical acts, they would have been glad to do so." They urged that the whole proceeding was illegal because they felt that no man was bound to be his own accuser.

This stand was first taken in the twelfth century. In the Revolution of the 1640's the Puritan argument was victorious, first among the people, then in Parliament, and finally in the courts. It was the origin of the privilege. Later the privilege was extended to include the right of silence for the defendant in a criminal trial and then to all persons in any official proceeding. Historically speaking, the essence of the privilege is that beliefs and associations based on



Herblock in the Washington Post

"No leash for this one?"

beliefs may not be made the subject of an inquisitorial investigation.

The technique of the inquisition is not limited, however, to religious bodies. Basically, it is a form of criminal procedure. Whenever a court can set itself in motion without a formal complaint and with no effective limits to its field of investigation, and whenever the court itself acts as the accuser, the investigator, and the judge at the same time, the technique of the inquisition is being used. When Congressional committees concern themselves with problems of individual guilt or innocence, they tread dangerously close to this type of procedure. Throughout its history the inquisition has proved frightfully effective as an instrument for stamping out religious, political, or any other form of dissent regarded as dangerous. Whenever and wherever ideas have been regarded as dangerous, the inquisition has flourished. And its success has depended on its ability to override the witness's right to refuse to answer.

The Fifth Amendment today is under a two-pronged attack. One is the "immunity" bill pending in Congress [see following comment] which would authorize committees to compel the witness to answer and to provide that he may not thereafter be criminally prosecuted for anything he may say. The Department of Justice has attacked this bill because it might give immunity to people who are about to be indicted. But there are other more serious defects. There is no way to guarantee that an individual state will not prosecute on the basis of the testimony. Nor can the witness be freed from the technically non-criminal forms of punishment, such as restrictions on the right to certain types of employment, to use a passport, to use the mails, or to hold office in unions.

The other form of attack against the privilege is the pattern of systematic economic and social penalties imposed on those who exercise it. These are as severe and coercive as most legal penalties and therefore tend to deprive the privilege of its efficacy. It is no coincidence that this attack comes at a moment when the privilege is once more needed for the very purpose which gave it birth. The effort to control thought breeds inquisitorial methods. These, in turn, demand that the Fifth Amendment be overcome or evaded.

The public has not been made aware of the important place the Fifth Amendment occupies in our constitutional framework. Nor has it been made aware of the valid ethical and legal reasons that may compel witnesses to remain silent. Today, as in the past, the voice of the inquisitor again demands, "The wit-

ness must answer." This is the same cry that was heard in seventeenth-century England, in Salem, in Nazi Germany, and is heard today in Eastern Europe and other parts of the world. The only answer is the clear command of the English common law: "No man shall be a witness against himself."

THE IMMUNITY PROPOSAL

[The immunity bill mentioned by Messrs. Frantz and Redlich in the closing paragraphs of their article very nearly passed the Senate without debate of any kind (see editorial, The Senate Sleeps, in The Nation of May 23). Senator Harvey Kilgore, aware of the far-reaching implications of the measure—known as S 16—did a public service in soliciting comment on it from a number of prominent legal authorities. Excerpts from some of the replies follow.]

THE witness, under the proposed procedure, is protected from federal prosecution but not from any state action. . . . Why not consider adding a provision that before any witness is compelled to testify, he be given the specific right to counsel, and to cross-examine any witness who may theretofore have testified against him?

FRANCIS BIDDLE,

Former U. S. Attorney General

SENATOR McCARRAN'S bill, as surely you have noted, empowers a majority of any Congressional investigating committee to grant immunity. I am entirely in accord with Senator Kefauver's belief that the Attorney General should be brought into the picture before any such immunity is extended. Indeed, I am not sure that Senator Kefauver's proposed requirement of mere notification to the Attorney General goes far enough. It seems to me that if the Attorney General is not in accord . . . it would be preferable to require a vote of the house of Congress (Senate or House of Representatives, as the case may be) as a prerequisite to the grant of immunity.

TELFORD TAYLOR,

Former United States
Prosecutor at Nürnberg

IT IS my own view that such legislation would be unwise. I recognize the difficulty that confronts investigating agencies when testimony is refused on the ground of privilege. From the legal point of view, it seems clear that the only way to get testimony from that particular witness is to grant him immunity from prosecution. Nevertheless, the harm that may be done through the granting of immunity seems to me to outweigh the gains. . . .

ERWIN N. GRISWOLD,

Dean of Harvard Law School

I MUST express my feeling of doubt as to the wisdom of giving Congressional committees the right to override the constitutional objection of a witness by granting him immunity from prosecution on self-incriminating testimony which he may be compelled to give. Where a claim of privilege is made by a witness in judicial proceedings, the judge has an opportunity to weigh the desirability of obtaining evidence against the undesirability of granting immunity, particularly if he has specific issues before him to aid in his judgment. But where a committee is making an investigation it will be peculiarly difficult for the committee to weigh all the possible evil consequences of a grant of immunity against the very uncertain good consequence of compelling the particular testimony which is sought.

DONALD R. RICHBERG,

Noted constitutional lawyer

[We think it would be helpful if our readers would express their opinion of S 16 in letters to Senator Kilgore or to their own Senators or Congressmen.—
EDITORS THE NATION.]

GRAB FOR THE ATOM

II. Wanted: a George Norris . . by Leland Olds

IN THE coming battle over the Atomic Energy Act we face the Muscle Shoals issue of the 1920's on a grander scale. In the Harding Administration they gave away Teapot Dome. But they never succeeded in giving away Muscle Shoals because Uncle George Norris, great Progressive Senator from Nebraska, stood in the way. The Muscle Shoals power plant in the Tennessee River, authorized for defense purposes during World War I, became the cornerstone of the Tennessee Valley Authority, which brought the country a new era of widespread use of electricity at low rates and influenced resources development in all parts of the world.

Just over a generation ago Senator Norris, as Republican chairman of the Senate Committee on Agriculture, began his long fight to assure Tennessee Valley power for the people. He blocked the Harding-Coolidge attempt to turn over the government-owned plant to private interests. Twice he got through Congress a bill setting up the prototype of the Tennessee Valley Authority. The first bill was pocket-vetoed by President Coolidge. The second was vetoed with a message by President Hoover. But Uncle George had won. For Muscle Shoals became a symbol of the power issue in the 1932 Presidential campaign, and he had his answer as he stood on the dam in January, 1933, with President-elect Franklin D. Roosevelt:

During World War I the Muscle Shoals power plant was authorized to provide power to produce nitrates for explosives. Fifteen years later it became the nucleus of a great program which made low-cost power available to municipal power systems and rural cooperatives throughout the Tennessee Valley, showed the way to wider use of im-

proved fertilizers to redeem wasting farm lands, raised living standards, brought new economic health to an entire region, and put competitive pressure on private companies throughout the country to reduce their rates. The private power industry does not intend to see atomic power, born of World War II, blossom into similar developments all over the United States.

But the power monopolies are not presenting the people with that clear-cut issue. They know that America is proud of the TVA and of what it has accomplished. In fact, only a few years ago they had Opinion Research, Inc., take a poll to find out whether their multimillion-dollar propaganda campaign against public power was successful. They were shocked to learn that 63 per cent of those polled favored the TVA. They found also that the same percentage thought it would be a good idea to have TVA's in other parts of the country. So the so-called Electric Companies' Advertising Program turned its guns on "creeping socialism."

The campaign against this bogymen reaches the people through every medium of advertising and public relations. It serves as groundwork for the campaign to turn over atomic energy to private companies. But here the propaganda is a baited hook. What private monopoly is offering the people is a quicker and cheaper voyage to the new promised land of atomic power. It charges that the present law means federal monopoly, that federal monopoly is holding back the development of commercially feasible atomic power and rendering the entire program more costly. It cites the automobile and television as examples of what can be accomplished by American ingenuity under the stimulus of the profit incentive and urges the virtual renunciation of the atom to "competitive private enterprise" as the key to progress.

Let us examine this line to see whether it does not reveal many of the

characteristics of the proverbial gold-brick. The questions which we shall naturally want answered are: (1) Has development of the peaceful uses of atomic energy progressed at a reasonable rate under the existing Atomic Energy Act? (2) Does turning over the atomic business to private enterprise offer better prospects of progress? (3) Is there any reason why we should be rushed into making decisions which will profoundly affect our civilization for generations?

THE SIMPLEST ANSWER to the first question is that it is but a moment in man's technological history since the first atomic fire was lighted and controlled. In fact, it is only just over twenty years since the neutron, the bullet which splits the atom, was discovered and thirteen years since a start was made in using these bullets to produce atomic fission and chain reaction. Compared with the ages between the time when a mythical Prometheus brought man the gift of fire and the invention of the steam engine, the rate of atomic progress under government control has been phenomenal. In fact, had man waited for private enterprise to transform Einstein's great equation into useful atomic energy, a century would probably have been needed for the accomplishment of anything comparable to what has been done under government direction in the last decade. Remember that some fifty years elapsed between Faraday's discovery that rotating a wire loop through a magnetic field would produce electricity and the day when the first dynamo lighted an electric bulb.

Progress under the Atomic Energy Commission has by no means been limited to development of atomic weapons. Great forward steps have been taken in providing radioactive isotopes (particles) which are making revolutionary contributions in medicine, agriculture, and industry; the atomic-power program is well under way under the

LELAND OLDS served as member and then chairman of the Federal Power Commission for many years under President Roosevelt. The third article of this series will appear next week.

general direction of the Reactor Development Division set up by the commission in 1949.

Early in 1951 the A. E. C. announced that in cooperation with industrial concerns it was exploring the possibilities of their participation, on their own initiative and with their own resources, in developing the use of atomic energy for power purposes. A few months later it received four proposals from eight corporations working in pairs—the Monsanto Chemical Company and the Union Electric Company of Missouri, Detroit Edison and the Dow Chemical Company, Commonwealth Edison and the Public Service Company of Northern Illinois, and Pacific Gas and Electric and the Bechtel Corporation. (The Detroit Edison combination has since been joined by a number of other electric utilities).

THE Monsanto Chemical and Union Electric team came up with a proposal that the government build a pilot plant to produce power, with plutonium as a by-product; then private industry might build a full-scale plant at its own expense. Dow and Detroit Edison proposed a joint study to be followed by the building of a full-scale atomic-power plant without going through the pilot-plant stage. The Commonwealth Edison group proposed a public-private undertaking in which the government would build a reactor to produce power and plutonium, permitting private companies to build and own the generating equipment and sell electricity to the public.

Meanwhile Westinghouse and General Electric have been constructing reactor power plants for atomic-powered submarines. On March 31, the A. E. C. announced that the first of these experimental engines was in operation at its testing station in Arco, Idaho. These submarine plants may eventually produce power at somewhere between two and five cents per kilowatt-hour. This is high compared with five-to-eight-mill power in coal-fired steam electric stations, but a reactor power plant which Westinghouse is designing for a larger naval vessel will more nearly approximate the size of a utility steam plant and costs should come down.

Walter H. Zinn of the Argonne National Laboratory (A. E. C.) predicts

that the country will have a central-station nuclear-fueled power plant operating four or five years after "we have definitely decided to construct and operate such a plant." He is already running an experimental "breeder reactor" which is providing enough power to light the small building in which it is housed. This is probably the world's first atomic-powered plant.

The latest authoritative word comes from Dr. W. L. Davidson, director of the commission's Office of Industrial Development. He says: "Nuclear electric power is already a fact, not mere fancy. In two separate reactor projects the A. E. C. has generated token amounts of electricity employing nuclear fuel as a source of heat."

Dr. Davidson points out, however, that the prime purpose behind these experimental reactors was something other than power, and that while there had been considerable research and development work on the general problem, no construction of major projects for the production of economic electric power had yet been authorized. He estimates that the cost of power from such a plant, if approved, would be about double the kilowatt-hour costs of power from conventional fuel plants, or about fifteen mills. He predicts that at least ten years will elapse before nuclear power will be generally competitive with power generated from coal, oil, or gas.

The time required for successful results is variously predicted as from three to ten years. Altogether, the conclusion seems warranted that pressure to amend the Atomic Energy Act is due to the fact that commercially feasible atomic power is so close to realization rather than to lack of progress under the Atomic Energy Commission.

THIS BRINGS US to the second question: whether we can expect greater progress if development of atomic power is turned over to private enterprise. Here we are concerned with something very different from the development of an industry based on the invention of some new gadget or synthetic material. We are dealing with a great new energy resource that is vital to our whole way of life.

Samuel B. Morris, general manager of the Los Angeles Department of Water and Power and former dean of engineer-

ing at Stanford University, has given a simple answer to the contention that opening up atomic-power development to private enterprise would let in the fresh air of competition. Presenting the report of the Committee on Atomic Policy of the American Public Power Association, Mr. Morris said that the electric-utility industry is essentially a monopoly and not a field of dynamic private, competitive enterprise. To open the field of atomic power to private



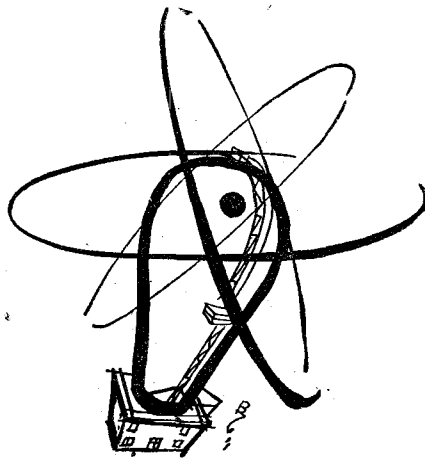
patents would, in effect, pile monopoly on monopoly. Citing the country's telephone colossus to illustrate his point, he suggested that the increasing rapidity of modern invention, by opening the way to a chain of patents, would foster a continuing monopoly in the vital field of atomic power. He stressed the fact that patents are not always a stimulus to production.

The energy-resources field offers many examples of the tendency to hold back rather than expedite development of competing products. In two cases the situation is strikingly parallel to the proposed use of atomic energy as a new industrial fuel—namely, the synthetic production of motor fuel and gas from coal and the extraction of oil from our vast shale deposits. In terms of both conservation and national security, bringing both processes to the point of commercial feasibility is probably as important as the application of atomic energy to production of electric power. But both products would be competitive with what the big oil companies have to sell,

and private enterprise has shown no zest for their development.

The story of halting progress in the synthetic production of motor fuel and gas from coal is particularly revealing. Started years ago by the Bureau of Mines in cooperation with the University of Utah School of Mines, the undertaking was subsequently moved to Pittsburgh and finally wound up during the 1940's in the hands of Standard Oil of New Jersey and its close relative, Pittsburgh Consolidation Coal Company. To date these corporations have given no evidence of competitive drive to bring to fruition this contribution to our energy-resources economy. Meanwhile the Bureau of Mines has been making considerable progress in producing gasoline and Diesel fuel from coal at its recently completed demonstration plant at Louisiana, Missouri. But as the "Bituminous Coal Annual" tersely puts it, the urging of the Bureau of Mines that private industry "proceed immediately on a large-scale basis with establishment of a synthetic-fuels industry . . . provoked a stiff debate with the National Petroleum Council on the economics of making oil from coal." And, significantly, the item for continuation of the bureau's work in this field has so far been cut from the 1954 federal budget.

SIMILARLY, although the Bureau of Mines pilot plant at Rifle, Colorado, has brought the cost of producing gasoline from oil shales to within two cents of that for the regular petroleum product, there has been no rush on the part of private enterprise to take over and push the process to the point of commercial use. Yet in neither of these fields are there any of the legislative obstacles to a complete taking over by private enterprise that are criticized as holding back progress in development of atomic power. Moreover, the synthetic production of oil and gas is probably of more immediate public interest than the production of electricity by atomic energy. For our conventional reserves of these elite fuels, representing only about 2 per cent of the nation's mineral energy resources, are carrying 50 per cent of the load. By any estimate their service lives are relatively short, and the country is depending more and more on foreign supplies. In comparison, oil imprisoned



in the shale deposits of the country is estimated at eight times our regular petroleum reserves, and our coal will probably outlast our oil by hundreds of years.

Furthermore, natural-gas markets in the Northeast are crying for more gas from the Southwest faster than the big pipe lines can expand their deliveries, and field prices, which a few years ago were around four and five cents per thousand cubic feet, are upward bound, with fifteen cents predicted within a year and twenty to twenty-five cents expected four years hence. These are prices at the beginning of the thousand-mile journey to the Northeast, with many costs still to be added before the consumer pays his bill. Testimony in the Federal Power Commission's natural-gas investigation suggests that perfection of the synthesis of gas from Appalachian coal would provide the Northeast with ample supplies at a price lower than future prices of Southwestern gas. But such development appears unlikely to be carried to the point of economic feasibility so long as the great oil companies have natural gas from their Southwestern reserves to unload at unregulated prices.

Instances could be multiplied. Coal and rail interests unite with the power industry to hold up a competitive St. Lawrence River navigation and power project and oppose the entrance of natural gas into their local markets. Manufactured-gas interests in New England insist on controlling the marketing of natural gas in their areas. Altogether, experience suggests that private industry may well be more interested in delaying than in expediting the application of atomic energy to the field of power.

SO WE COME to the final question: whether there is any urgent public need for a hasty decision on the atomic-energy issue. The answer seems to be that there is no hurry at all. All the agitation has been stirred up by a well-directed drive to get us to sell our atomic birthright for a mess of pottage for which we are not yet really hungry. It is more important for the country to be in control of atomic power when it finally arrives than to advance the date of arrival a few years by abdicating to private monopoly, assuming these to be the real alternatives.

Atomic power offers no quick road to lower electric rates. All present conceptions of what is practical would only substitute splitting atoms for burning coal, oil, or natural gas as the source of heat for standard steam-power plants. Spectacular reductions in cost of fuel would be counterbalanced by the necessity for increased investment in facilities for developing the heat and conveying it to the generator.

Professor Manson Benedict of the Massachusetts Institute of Technology, analyzing the possibilities of an atomic-power plant in Boston, shows that if nuclear fuel were obtained at no cost at all, the allowable power-plant investment could not exceed \$258 per kilowatt of capacity to be competitive with plants using conventional fuels. He compares this with the estimate of Dr. Donald Loughbridge, assistant director of the A. E. C.'s division of reactor development, that the cost of a nuclear plant, using present-day techniques, would be something like \$500 or \$600 per installed kilowatt, and concludes that "before nuclear fuels could compete with coal in Boston, it will be necessary to develop a successful breeding reactor and cut the cost of a nuclear-power plant in half." A breeding reactor comes pretty close to perpetual motion in that it produces more nuclear fuel than it consumes in the process of producing heat, thus providing a much higher utilization of the uranium charge.

An unusually farsighted power-company executive, Philip Sporn, president of American Gas and Electric Company, says that the chief thing hoped for from atomic power is that it will lower the cost of fuel in power production. But he hastens to add that the most optimistic

assumption would be a reduction of perhaps 10 per cent in this part of the total cost of electricity. As the fuel cost of power in Boston is only about one-third of a cent, a 10 per cent saving would be negligible so far as the average consumer of electricity is concerned. Mr. Sporn considers atomic energy chiefly important as a supplement to coal in meeting the rapidly increasing demands for power. He calls attention to the estimate of the President's Materials Policy Commission that the country's electric-energy requirements will increase from just under 400,000,000 kilowatt-hours in 1950 to 1,400,000,000 kilowatt-hours in 1975, with coal's responsibility going up from about 90,000,000 to 300,000,000 tons.

There is, however, every indication that these requirements can be met without turning to a supplementary fuel. Although coal provides the country with an extraordinarily wide range of services, latest reports show that its market is actually falling off, that mechanization is counterbalancing increasing wages in

maintaining relatively stable prices, and that the industry is today producing far less than its capacity. In 1950 the 416,000 bituminous-coal miners averaged only 183 days of work during the year in producing the required 516,000,000 tons of coal. The Bureau of Mines estimates on the basis of 1949 figures that with employment averaging a 308-day year the mines could have produced about 860,000,000 tons. This would have exceeded the 825,000,000 tons the Materials Policy Commission figured as the total requirements of the country for all purposes in 1975.

So we are driven to the conclusions (1) that great progress has been made in the peace-time uses of atomic fission under the present law; (2) that leadership in the development of synthetic energy resources has not come from the competitive urge of private enterprise but from the work of a federal agency; and (3) that there is no urgent reason why we should be rushed into a decision to revise the present set-up before we have developed public understanding of

the wide range of contributions atomic energy may make to the future of our economy.

The chairman of the Joint Congressional Atomic Energy Committee has just announced a proposed 30 per cent cut in the appropriation for the work of the Atomic Energy Commission during the coming year. This will apparently mean reduced activity in the development of atomic power. Here is an opening for private enterprise to come forward with the proposition: amend the law and we will provide the funds. But our answer should be that although the nation waited until 1933 to get the advantages of federal ownership of Muscle Shoals power, the dividends which have since been flowing to the region and the country as a whole much more than compensate for the delay.

When the tests on the Atomic Energy Act come, let us hope that a new George Norris will arise, with the vision and courage to preserve atomic power as the first George Norris preserved Muscle Shoals.

MOROCCO IN TURMOIL

I. The Fanatic Colonials . . by Alexander Werth

Casablanca
NEARLY six months have passed since the Casablanca riots—or "massacres"—of last December. "And now look at Morocco! We've got perfect peace," said M. Boniface, prefect of Casablanca, when he received me. His staff call him playfully "l'assassin de Claude Bourdet," and M. Boniface proudly claims full responsibility for having suppressed the "Communist-Nationalist" riots.

The windows of his vast office looked on to the magnificent Parc Lyautey, with its equestrian statue of the great marshal. Around the park *les buildings*, the sixteen- and seventeen-story skyscrapers,

rise into the blue sky. This is the heart of European Casablanca, and not many Moroccans are seen here. The Moroccans live mostly in their filthy old Medinas or in the *bidonvilles* on the outskirts of Casablanca, or, if they are lucky, in the new "garden cities" that are gradually replacing the *bidonvilles*, those unspeakable tin-can slums that have sprung up in the last few years and are said to house about 100,000 people. It was here that the December riots started; they are "the cancer of Casablanca," the authorities will tell you, "a cause of understandable discontent, and of course we are doing our utmost to clear them away."

European Casablanca is very different. Building sites cost more than in the Champs Elysées in Paris. It is a sort of North African New York. Casablanca's

population is already about 700,000 and in a few years is expected to reach a million or more. It is the biggest port of Morocco and the only major industrial city, and it exercises an irresistible attraction on the hungry peasants of the *bled*.

The French in Morocco are not at all like the people one meets in France. Some of them are the sharks and profiteers who came to Morocco to make money quickly by speculating in land values and buildings and materials; others have an earnest sense of "mission" and feel intensely superior to the French at home. "We are no stick-in-the-muds," they will say. And one thinks of France, of provincial France especially, where people say so often that France is an old, tired, mismanaged country and really not a great power any more. No such humil-

THIS is the first of two articles on Morocco by The Nation's Paris correspondent. The second will be published next week.

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ity is noticed among the French in Morocco; they are conscious of being empire-builders, of having "made Morocco" with French brains, French money, French technicians. The more extreme among them hate Paris and the French government, and worst of all they hate the Paris "sentimentalists," the "intellectual busybodies" who "don't understand a damned thing about Morocco but who *will* interfere."

Among these they single out not the anti-colonialists of *Franc-Tireur* or *l'Observateur* but François Mauriac, a Catholic and conservative who dared to raise his voice in protest against the ruthless handling of the December riots, and talked a lot of nonsense about France's duty to be "just" and "Chris-



General Guillaume

tian" in its North African policy. To M. Boniface and his ilk Mauriac is a traitor—a traitor to his class and a traitor to France. A young official under Boniface said to me: "If Mauriac had published his reflections in some philosophical review, it wouldn't have been so bad, but to publish them in the *Figaro*, which everybody in Casa reads—that was too much. Doesn't he realize that there are many good Catholics in Morocco who might be affected by his bunk about our 'Christian duties' to the natives?"

I do not deny that I was impressed by M. Boniface. He has terrific personality, is full of boisterous bonhomie and superbly conscious of being invulnerable—whatever Paris says. No one had any doubts about whom M. Schuman had in mind when he wrote that certain officials in key positions in Morocco were so strongly backed by local financial interests that no French government could possibly get rid of them.

Lyautey may still be a hero in Paris, but his ideas are not popular with the French extremists in Morocco. Lyautey believed that the Protectorate should guide the Moroccans but not interfere with their native institutions. He was an enemy of *administration directe*, at least in the long run. Above all, he wanted to strengthen the central authority of the Sultan, and he wanted the Moroccans to love the French.

THE OTHER DAY an extraordinary thing happened. General Catroux, who knew Lyautey well in the past, was going to Casablanca to give a lecture about him. Two days before he was to start he received a letter from the Resident-General, General Guillaume, strongly urging him to cancel the lecture since it would undoubtedly stir up trouble. Catroux's views were known from an article he had recently written for the *Figaro* in which he associated himself with Mauriac's campaign against the "un-Christian" policy of the French authorities in Morocco and declared that it was entirely contrary to the teachings of Lyautey. Obviously Boniface intended to get his boys together and make it hot for Catroux. General Guillaume could do nothing. I saw him at about this time, and when I mentioned the matter, he was plainly embarrassed.

The "Catroux scandal" had not broken when I was received by M. Boniface, but I don't think anything could embarrass him. He started right off by attacking Mauriac. Most un-Cartesian, he said, for a French author to write about things he knew nothing about. Morocco was very complicated, very *nuancé*. "Damn it, I've lived here since the age of six. I speak Arab; I speak Berber; I know what I'm talking about. They call us colonialists—well, let them. We haven't a great armed force in Morocco. If the Moroccans wanted to throw us out, they could. It's not true that they hate us. They like us, and have confidence in us. We've done wonders here. It was a medieval country when we first came. We've stamped out banditry and malaria, and people have started thinking for themselves. We don't mind that; it was part of the progress. But it's still a very backward country, and one can't go too fast—least of all with Moslems. Of course, we'd like to send a million Moroccan children to school, and not

just 200,000. But we need time and money. Even so, in 1912 they had nothing—no schools, no hospitals, no roads, no telephones. And we've managed all this despite the two wars we've had to fight."

So far so good. But now M. Boniface came to hotter subjects. "It has all the possibilities of a democratic country. The Berbers have strong democratic traditions—much more democratic than the centralist and theocratic concepts of the Arabs." And then he suggested that the Sultan was simply an ambitious man out to increase his personal authority through his so-called "reforms." "The prestige of the Sultan was not as great as he liked to think. The Berber south did not think much of him. The religious fraternities throughout the country called him 'a bad sherif.' In Morocco large sections of the population were opposed to totalitarian Moslemism and worshiped their local saints. Neither the temporal nor the spiritual power of the Sultan was as great as some imagined. It was France which had created the central authority of the Sultan. Morocco was still deeply divided—quite unlike Tunisia in this respect."

"And the Istiqlal, Monsieur le Préfet?"

"C'est rien. C'est zéro. A few half-baked intellectuals, with wishy-washy ideas about Western democracy and the French Revolution! The Moroccan people despise them. They picked up a few ideas from the Communists and off they went trying to cause trouble among the proletariat of Casablanca. They also tried to set up cells all over the place; didn't amount to much. Of course, they were encouraged by the Sultan, who fancied himself as a kind of Führer! Young people spouting slogans, waving flags. A crazy press, too, going in for blackmail and intimidation. When they started their nonsense in Casablanca we had to put our foot down. We had no right to be weak. And look at Casa now! Peace, perfect peace."

IT WAS a revealing talk. Play off the Berbers against the Arabs; encourage the feudal lords of the south and the obscurantist religious fraternities to gang up against the Sultan—if not to overthrow him, at least to isolate him more and more. And so preserve the status quo, at least for as long as possible.

SEARS, ROEBUCK

"Subverting" Latin America . . . by *Lincoln Clark*

ONE of the mightiest "subversive" forces in Latin America today, by virtue of the non-reversible changes it is effecting in the way of life, is Sears, Roebuck and Company. In the next few years Sears is likely to have a greater influence on conditions south of the border than the United States has had in the last eight decades. Its great resources and technical "know-how," developed through the years of its operation in this country, equip it to make a terrific impact when it enters markets where conditions are roughly comparable to those in this country in 1900.

Controversy is raging over whether Sears is a twentieth-century-model benefactor—an unofficial instrument of our "good neighbor" policy—or a traditional capitalistic exploiter of the Latin American masses. A commonly stated goal of the numerous national and international relief, rehabilitation, and reconstruction agencies has been "to help people to help themselves." In practice this has largely meant helping farmers and manufacturers to increase production. The assumption has been that the consumers would benefit ultimately as the food and goods produced dribbled down to them, after distributors, jobbers, and retailers had taken their cut. Sears's program starts with the consumer.

Sears launched its revolution with the opening of a modern department store in Havana in 1942. Openings in Sao Paulo and Rio de Janeiro followed. In October, 1952, Sears opened its twenty-first Latin American store in Puebla, Mexico. In the five countries where it is now operating—Brazil, Colombia, Cuba, Mexico, and Venezuela—twenty-eight possible locations for new stores are under investigation. Sears is watching and waiting for changes in conditions that will make it feasible to enter Argentina, Peru, and Uruguay.

LINCOLN CLARK is an editor of the Journal of Marketing and teaches at New York University.

In deciding where and when to open a store Sears studies the area's purchasing power, labor and tax laws, and site costs. In this country stores on the outskirts of large towns can attract customers by providing parking lots. In South America, where most people use public transportation, Sears must locate in established shopping districts. Site costs are therefore high. The land for the Sao Paulo store cost about twice as much as an adequate location for the same sized store in the United States. Sears seeks what the trade knows as "100 per cent locations." Thus in Guadalajara it has leased space in a building diagonally across from the Cathedral. Building costs have been unpredictable from United States experience. In Cuba and Mexico they are perhaps half as high as in this country but in Venezuela 50 per cent higher. Show cases and other fixtures—major investment items in a modern department store—cost about the same in Cuba as in the United States, in Mexico and Venezuela about double, and in Brazil five or six times as much.

LIKE ANY competent merchant, Sears investigates what its potential customers want. It is prepared to offer articles that are in accord with local tastes. Much to its surprise, it has found that the most popular styles are generally the same as in the United States. One interesting phenomenon has been the salability of soft goods—hats, lingerie, and the like; while here Sears has traditionally been looked upon as a good source of hard goods—baling wire, chicken brooders, refrigerators, pick axes.

Sears makes every effort to use and build up local sources of supply if comparative costs permit. The percentage of supplies purchased in the country where the stores are located varies from about 25 per cent in Cuba to 90 per cent in Brazil. In the case of furniture high shipping costs led to having the latest North American styles reproduced locally. Importation of some articles is

limited by law or government edict. In such cases Sears has been stimulated to develop local sources of supply at a faster rate than it would have done if a free market had existed. It frequently makes advance payments, lends money, and provides technical aid to local suppliers in order to obtain goods manufactured to its specifications. Then it presses hard to get delivery on schedule—a revolutionary Yankee concept.

But perhaps its most subversive innovation is its inspection for quality. In South America as in this country Sears has been a mighty fighter against the entrenched marketing dictum "Caveat emptor." It has introduced instead the more efficient principle, "Satisfaction guaranteed or your money back."

A major deterrent to American ventures into foreign markets is currency restrictions, which limit the recovery of investments and the profits that Americans can take out of a country. Sears has such a long-range view that it regards this as a temporary hindrance. Placing less and less reliance on imports, it has ample opportunities to invest current income. Sears looks on the funds it has already put into the program as "seed money" and is not rushing to reap the harvest. Not only are profits plowed in but there is talk of raising additional capital by selling stock locally.

The amount of attention Sears is giving to its South American business does not seem entirely due to its profit potentialities, since it represents mere "chicken feed" in the Sears empire. Probably the outlook of Sears executives is the true explanation. The knowledge that their company is offering better values to millions of people and lowering the cost of living by forcing competitors to toe the line is an immense psychological satisfaction. The Sears program is so vast and all encompassing that it looks as if its strongest motivating force were to sell the Sears "way of life" to the world—although in the end it may turn out to be extremely good business.

BOOKS

Babbitt, Jr. in Two Roles

SHAME AND GLORY OF THE INTELLECTUALS: BABBITT, JR. VS. THE REDISCOVERY OF VALUES.

By Peter Viereck. Beacon Press. \$4.

HERESY, YES; CONSPIRACY, NO.

By Sidney Hook. The John Day Company. \$3.75.

By John W. Ward

FROM quite different vantage points Mr. Hook and Mr. Viereck address the same problem—the responsibility of the intellectual for the condition of freedom in the United States today. Mr. Hook, writing in the pragmatic tradition of James and Dewey, believes that “rights” are definable only in the context of history. Mr. Viereck believes that values are innate and universal. The real enemy for Mr. Viereck is the pragmatic liberal who has weakened the value structure of Western culture so that it is easy prey to totalitarianism. Mr. Hook feels quite as strongly as Mr. Viereck that today one must choose to be either pro-Communist or anti-Communist; there are no areas left in which one can be a *non-Communist*. But Mr. Viereck is more positive. He believes one must choose certain absolute “values.” “Totalitarianism,” he writes, “is not the opposite of naturalistic relativism, as many liberals believe, but its consequence.” Since Mr. Hook’s book is an attempt to work out “a tough-minded philosophy to guide American liberals,” one anticipates an area of disagreement with Mr. Viereck, who is continuing his task of defining a “new conservatism” for America. Such is not the case. Mr. Viereck and Mr. Hook may differ on progressive education, but otherwise their devils and angels are pretty much the same. Both, having examined the character of the American intellectual, conclude that the chief danger in America today is his softness toward communism. Thus both end their books with an

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inquiry into academic freedom. The façades differ, but the floor plans are remarkably alike.

“The Shame and Glory of the Intellectuals” is a book by an intellectual for intellectuals about intellectuals. The glory of the intellectuals was their resistance to Nazism; their shame is their tolerance of communism. The conflict today is between the liberal intellectual and the new conservative bent on the rediscovery of values. While radicalism in politics and experimentalism in literature were once vivifying forces, they are now cliché ridden and impotent. So instead of George we have Gaylord Babbitt, Jr., fellow-traveler and literary mandarin.

Recently the intellectual has been somewhat on the defensive. His plight has even enriched the vernacular. Ironically, just after making a unilateral peace with America—if the recent *Partisan Review* symposium is a valid index—the intellectual discovers himself relegated to the egg-heap. But if intellectual life in America is in shameful condition, not the least of the reasons is that a book like Mr. Viereck’s could be written by a college professor.

With conservatism in politics Mr. Viereck argues for a parallel return to formalism in literature. Yet his bombastic style owes more to Carlyle than to Dryden. What is one to make of a man who can argue for classical humanism in this fashion?

Clarity and reasonableness more exciting than visceral enthusiasm or sublime vagueness. Consequently, special homage to Samuel Johnson (memo to Modern Language Association: revise textbooks accordingly). No more southern Californias.

No Untergang, no Decline and Fall; the regeneration of the West through the dignity and purity of Form; man as personality instead of man as insect.

The aesthetic sense once more in control of the utilitarian sense, today inhibiting it, tomorrow fulfilling it; not only cloudward to ivory towers but earthward to ivory factories. Except for the lowest indispensable minimum, no more cowering and groveling before the muscular adjective “Practical”; ringside tipsters whisper

he is a mere debating-point champion and shows poor footwork in wrestling with angels; through jiu-jitsu, he can be forced to concede that only death is “Practical” in the “long run” and that nothing else “really works” because only death is “here to stay.”

Another reviewer has said that Mr. Viereck’s character as a poet accounts for his almost obsessive tendency to play with words. Quite the contrary. The poet wrenches language to illuminate his subject; Mr. Viereck’s violence results only in a short circuit. That such chaotic discourse is offered in support of order and clarity indicates a corruption of the intelligence which is manifest on every level of Mr. Viereck’s book.

I am not so much concerned here with the fact that the hermaphroditic Gaylord Babbitt, Jr., exists nowhere outside Mr. Viereck’s imagination; it simply is not the case that the political radical and the literary aesthete have composed a single personality in recent years. Nor do I wish to dwell on Mr. Viereck’s failure to meet the minimum standards of decency, as, for example, when, addressing “my fellow-professors,” he implies they are the people Sir Winston Churchill had in mind when he described the Communists as “bloody-minded professors.” What I especially want to draw attention to is the self-contradictory nature of the book. Exactly as Mr. Viereck’s style violates his professed literary ideal, so his very argument betrays his explicit thesis.

Mr. Viereck admits to ignorance in the field of philosophy, but this does not dissuade him from castigating a pragmatic tradition based on naturalism and cultural relativism. With the candor of one who says, “I don’t know anything about art but I know what I like,” he announces his inability to speak with intelligence in the “value controversy” but blithely proceeds to do so because “life goes on; crises confront us; we must make immediate decisions in value problems.” What is this but a resolution of the problem in pragmatic terms? Mr. Viereck introduces his whole discussion of values with an appeal to the emotion of common sense—“for reasons it would take years to prove and which the reader will either sense in a second or not at all.” What has happened to the campaign for a revolt against romantic intuition and a return to “pure reason”? Except for providing a cumbersome hy-

phenated description (Roman-Graeco-Hebrew-Christian tradition), Mr. Viereck contributes no more to a definition of the "new conservatism" than to insist on the inviolable dignity of the individual. Here we are back where the liberal tradition began.

Mr. Viereck is shrewd enough to realize that a new current is stirring in America. The openness and indeterminacy of the democratic system become difficult to bear in a period of crisis. People seek the comfort of ethical, and sometimes political, absolutes. But shrewdness is not what the situation calls for. Intelligence is required to drive the bandwagon.

NEXT TO Mr. Viereck, Mr. Hook profits immensely. One may disagree with Mr. Hook, but he is not to be dismissed. "Heresy, Yes; Conspiracy, No" exposes two enemies—the "cultural vigilante" of the McCarthy stripe who would destroy heresy, and the "ritualistic liberal" who, obsessed with civil liberties, would allow conspiracy to destroy freedom. The ritualistic liberal is of course Babbitt, Jr., stripped of his mandarin robes. Mr. Hook believes that fear of communism is the "obvious main cause" of cultural vigilantism. I disagree. Communism is the occasion, not the cause of McCarthy. America's anxiety makes McCarthy a possibility; what motivates McCarthy is a less simple matter. Mr. Hook believes that the source of ritualistic liberalism is the alienation of a small but strategically placed number of intellectuals. He feels that by criticizing American institutions the ritualistic liberal plays into the hands of communism, since neutralist sentiment in Western Europe is based on the belief that the United States is no better than Russia. Here I feel Mr. Hook exaggerates grossly. Europe's distrust of the United States owes far less to intransigent critics of American policy than to the disgrace of Senator McCarthy. It was not the *New Statesman and Nation* but the *London Times* which recently argued that "the fears and suspicions which center around the person of Senator McCarthy are now real enough to count as an essential factor in policy-making for the West."

In his first chapter Mr. Hook writes, "Truth is sacred, but a person who revealed it knowing that it would be used

to destroy his country is a traitor." One hardly knows what to make of this surprising sentence. From its context Mr. Hook is obviously not considering scientific truth, which is involved in national security, but moral or philosophical truth. To make truth subservient to national policy is to justify an idea by its consequences in a most disturbing fashion. It is this line of reasoning which underlies Mr. Hook's attack on critics of America. The same premise informs his chapter on the Smith act. Although he disapproves of the act Mr. Hook thinks repeal would be unwise because the act is popularly supposed to be directed against the Communist Party and abolition of it might weaken public sentiment against communism. The logical conclusion to Mr. Hook's argument, and one I would expect him to disavow violently, is to put the state in the seat of reason.

Mr. Hook's major effort is an extended analysis of freedom in the schools. Here he does the academic community a real service by challenging it to think through many of its assumptions. He concludes that one who merely believes in communism must be allowed to teach, since belief involves heresy, but not one who joins the party, since

membership involves conspiracy. Mr. Hook is careful to keep the discussion out of the area of freedom of thought by insisting that joining the party is an act and should not be confused with belief. But this seems to be a dangerous casuistry. The tradition of American justice has always been that one is responsible only for personal acts. Once admit that membership in a group is an act and one of our traditional safeguards is lost. Moreover, by Mr. Hook's own pragmatic standard, it seems to be an inoperative distinction. The principle will catch everybody but the Communist.

Mr. Viereck and Mr. Hook do, however, point to one major problem—the widening gulf between the business community and the intellectuals. Perhaps we are over-sensitive to the split. Anti-intellectualism seems the dominant rather than the minor trend in American history. The recent brief interlude in which the intellectual seemed to find an honored place in our society may have been more of an exception than the current revolt against the "egg-head." Someone has yet to write the study of anti-intellectualism which will put today's problem in proper perspective. Whoever does will need these two books.

The Female of the Species

THE NATURAL SUPERIORITY OF WOMEN. By Ashley Montagu. Macmillan. \$3.50

By Frances Keene

DR. MONTAGU, an anthropologist of note and a facile popularizer, has done an important service to men and women equally in gathering under one provocative title much hitherto dispersed information. His main thesis is that "the liberation of woman means the liberation of man, for until women are freed from the myths which at present impede their progress, no man can be free or mentally completely healthy"; and as he goes about proving this he stresses repeatedly that equality in freedom has little to do with identity or likeness.

The book recapitulates available data

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which prove that woman has "as good" a brain as man's and that the size of it, in proportion to her frame, is even somewhat larger; the author trots out the by now familiar fact that women stand up better under a variety of severe strains, including concentration-camp pressures, than do men; and he gives the first capsule explanation that has ever made sense to this layman at least of why men die younger than women: "The fact is that the female is constitutionally stronger than the male and only muscularly less powerful. . . . The male pays heavily for his greater body build and muscle power. Because his expenditure of energy is greater than that of the female, he burns himself out more rapidly, hence dies at an earlier age."

There are certain points one would challenge or like expanded. For instance, provocative as is Dr. Montagu's remark that Freud "mistook the great cultural emphasis placed by our species upon sex

as a biologically motivated function" (author's italics), it should be further elaborated, for, once the point is raised, the reader has every right to expect more serious discussion. Again, in considering women's greater urge to sociability, Montagu describes this gregariousness as "the most fundamental of all emotional qualities." Surely a human trait is not *di per se* a "quality," and the ill effects of this one are as marked as the good; hence its position at the top of Montagu's emotional ladder is seriously open to question. In the chapter on muscular versus biological superiority, the author concludes that since the ideal of human (physical) perfection lies in nearness to

the human infant, woman is more nearly perfect than man, who has undergone such toughening changes as growth of body hair and beard, roughening and deepening of voice, bulking up of muscle. Carried to its logical conclusion, then, the feminine characteristics of the male homosexual type would be a step in the direction of this ideal—a conclusion Dr. Montagu does not draw but which any rational mind would find implicit in his argument.

The book is soundly based and easy reading. The author has a tendency to overstate and undersupport his points, but a work of this kind was needed for the benefit of the general public.

strange." And again, in a letter to Robert Bridges: "Design, pattern, or what I am in the habit of calling 'inscape' is what I above all aim at in poetry. Now it is the virtue of . . . inscape to be distinctive, and it is the vice of distinctiveness to become queer. This vice I cannot have escaped." Professor Pick's selection from Hopkins's poems, notebooks, and letters brings into sharp focus both the greatness and the oddness, the distinctiveness and the price paid.

The price was painful. Letters to friends are weary and often banal, full of sighs. Landscape and metrics are studied with compulsive attention. In metrics this original genius was painfully sensitive to being called aberrant, and made special pleas for his correctness. Landscape he searched continually for the inscape (the pattern of being) of cloud or water-swirl or tree: each object and each moment seen in its own light, as in the Taoist approach to nature, but without serenity. His mind and body were worn by moral struggles: the pull of fame against sacrifice, of distinction against the sin of pride. An original genius seeking his own laws, he was a member of the Jesuit order which praised Blessed John Berchmans for strict observance of their strict rule—Berchmans who said, as Hopkins wrote Bridges, "Common life is the greatest of my mortifications." This is a soberly illuminating and an invaluable book, a record of a war in the spirit. From the conflict sprang those shining and inimitable poems in which the oddness and the despair have such a hard time with the *gloria*.

Art as Symbol

FEELING AND FORM. By Susanne K. Langer. Scribner's. \$7.

One of the aspects of symbolism treated in Mrs. Langer's earlier book, "Philosophy in a New Key," was its role in art, and her new work is an exploration of the theory that the essential nature of art is symbolic. Offering the definition, "Art is the creation of forms symbolic of human feeling," she applies it to all the important forms of art in turn. Works of art, she says, seem to create for themselves an illusory realm from which they speak, as prime symbols, directly to the perception. This realm she calls the "virtual." It is the space in which a painting exists, the time

New Books in Brief

The Diplomatic Art

THE DIPLOMATS, 1919-1939. Edited by Gordon A. Craig and Felix Gilbert. Princeton University Press. \$9.

This book has a forbidding appearance, seven hundred large and closely printed pages, written by scholars. Yet it will be read with sustained interest even by laymen if they wish to find out about European history in the two fateful decades between World War I and World War II. Events are competently presented through a discussion of the leading diplomatic personalities of the period, their methods and achievements.

Though the book has no thesis to propose or defend, it nevertheless will serve to warn the reader against the distrust of professional diplomacy so fashionable after World War I. The advice of trained observers in the missions abroad was often neglected in favor of the intuitive judgments or impressions of non-professionals or of politicians with negligible experience in foreign affairs. The governments and peoples of the West were more and more inclined to prefer diplomats who reported what they wanted to hear to those whose analyses were more pessimistic but have been justified by history. Sir Robert Peel called diplomacy "the great engine used by civilized society for the purpose of maintaining peace." Naturally the engine has to be adjusted from time to time to the changing conditions of society. For many decades the United States has had

little need and little respect for the art of diplomacy. A book like this one, in addition to providing pleasant and informative reading, will perform a useful function by increasing the understanding of the potential achievements and limitations of the diplomatic art.

Nostalgic Epicure

BLUE TROUT AND BLACK TRUFFLES. By Joseph Wechsberg. Knopf. \$3.75.

A delectable and nostalgic book of reminiscences by an epicure who has eaten his way across Europe. Among the restaurants he has visited are Meissl and Schadn in Vienna, where twenty-four varieties of boiled beef were served, Gundel's in Budapest, where the pre-war wine card ran to eighteen pages and listed forty-eight different liqueurs, and the Restaurant de la Pyramide at Vienne, "the greatest this side of heaven." Their most celebrated creations are described in ravishing detail. Best of all is the chapter in which an old waiter recalls the golden age of Maxim's at the turn of the century when it was the rendezvous of kings and famous courtesans.

Greatness and Oddness

A HOPKINS READER. Selected and with an Introduction by John Pick. Oxford University Press. \$4.50.

"Glory be to God," wrote Father Hopkins in one of his marvelous poems, for "all things counter, original, spare,

of a musical composition, the actuality of a novel. In these realms separate from but similar to those of ordinary existence the work of art is free to achieve forms consistent with aesthetic rather than practical considerations. The chapters in which ideas like this are applied to the particular arts serve as introductions to the aesthetic philosophy of each art. Mrs. Langer's theory involves many borrowings and illuminating critiques of other philosophies, like those of Croce and Bergson, and also provides her with a method of vigorously tackling such classical problems as the imitative function of art, the place of expression and communication, and the relation of content and form.

New Mediums of Consent

ESSAYS IN POLITICS. By Scott Buchanan. Philosophical Library. \$3.75.

Mr. Buchanan is extremely concerned with what he describes as "our crisis of consent." Recalling that Americans are committed to the proposition that just governments derive their power from the consent of the governed, he argues that the institutional mediums through which consent has been traditionally given are no longer adequate. The politically relevant institutions today are the many and varied kinds of corporations to which we all belong. To preserve our democratic processes, we must widen the basis of participation and control in these organizations. Devices must be created to enable the individual to approve or disapprove the actions of those corporate bodies which affect him most directly. Just how we are to accomplish this feat remains in doubt. Mr. Buchanan suggests that the corporate form of which the T. V. A. is the prototype is the most likely recourse. In the light of the deep-rooted frustration and apathy everywhere apparent in American society today, one may feel a degree of skepticism about the possibility of such a remedy.

A Great Thinker

THE IMPACT OF SCIENCE ON SOCIETY. By Bertrand Russell. Simon and Schuster. \$3.

The theme of Lord Russell's book is, of course, momentous; nothing has been of greater significance in the Western world than the scientific revolution

launched in the seventeenth century and completed in the technological revolution of the last hundred years. That it has transformed the face of the earth, society, and man is a commonplace. What it will make of the future, if there be one, is the anxious question to which Lord Russell addresses himself. In brief, his position is stated in the following felicitous passage: "Broadly speaking, we are in the middle of a race between human skill as to means and human folly as to ends. Given sufficient folly as to ends, every increase in the skill required to achieve them is to the bad."

Lord Russell does not claim to have the answer. In general, he hesitates between a profound pessimism and a moderate, skeptical optimism which pleads for population control, world government, and the cultivation of love and compassion as possible defenses against the dangers of power, competition, violence, and fear. There is not much that is new in this plea; and perhaps there is not much that is new in the book as a whole. A number of points are treated superficially, and on some the author even seems to be inconsistent. But with Russell it is not only what he says but how he says it that counts, for the brilliant insights, ingenious formulations, and independence of mind which he brings to almost every subject still make him the last of the great thinkers of our time.

The Father of Digests

THE LIFE AND DEATH OF A NEWSPAPER. By J. W. Robertson Scott. British Book Center. \$6.75.

This curiously disjointed book by the venerable editor of that unique British magazine, the *Countryman*, may prove caviar to the general but should interest students of newspaper history and delight connoisseurs of English eccentricity. The *Pall Mall Gazette*, for which the author worked in his early years, never was a commercial success, but for a part of its career, which ended in 1923, it was amazingly influential. To a great extent this was due to three talented but very different men who edited it between 1880 and 1892—Lord Morley, W. T. Stead, and Sir E. T. Cook. Of these three the most original character was the evangelical Stead, once described as "a curious amalgam of sensational journal-

ist and political seer." Notable both as craftsman and crusader, he rather than Northcliffe was the inventor of the "new journalism," and after leaving the *Gazette*, he became, by founding the *Review of Reviews*, the real progenitor of the now vast family of Digests. Stead has been unduly neglected since his death in the *Titanic* disaster, and it is good to have this fresh and intimate account of his career.

Amusing Villainy

SOME FACES IN THE CROWD. By Budd Schulberg. Random House. \$3.

These stories about pathetic sadists, naive tyrants, and self-deceived egotists have chiefly an anecdotal interest. The infinite possibilities of human villainy are easy to believe in nowadays, but Mr.

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Schulberg gives the point new force by making the boundless darkness of ill-will yawn convincingly in the golden spotlight of success shining on Ciro's or the boxing ring. He explores the evil lurking in such places as radio, movies, marriage, family life, and the white-collar fringes of war. Virtue, when it appears, is weak, foolish, odd, even grotesque, and seems, on the whole, to be asking for the trouble it invariably runs into. Mr. Schulberg gives the impression of not really being interested in it. It is a necessary foil for the cruelty whose infinite variety fascinates him. The stories do not probe character too deeply to lose their smooth, well-trimmed effect; and although they manifest a clear knowledge of some of the less attractive aspects of American civilization, they are never too alarming to be amusing.

Work of Young Writers

AMERICAN VANGUARD, 1953. Edited by Charles I. Glicksberg and Brom Weber. Dial Press. \$4.

The latest issue of an excellent series of anthologies based on the Writers' Workshop of the New School for Social Research. In the past this group has produced such novelists as William Styron, Sigrid de Lima, Leonard Bishop, and George Mandel; it is probably the richest center of new fiction among our colleges and universities. Editors, critics, teachers would do well to check over the present volume, which may also be of interest to the general reader. The young writers represented here, it should be added, do not work according to any school of critical theory but directly out of their own experience, guided by a flexible and experimental teaching staff. There are short stories, sketches, novels in progress, and poetry in the present volume, all of high quality.

Dateless Comment

THE MILITARY NECESSITY, by Alfred de Vigny. Grove Press. \$3.

The appearance, in a fine translation by Humphrey Hare, of the three stories which make up Alfred de Vigny's "Servitude et grandeur militaires" marks the rediscovery of a singular commentary on one aspect of society—military service. Dateless despite changes in the nature of conflict and conscription,

Vigny's detailed anecdotes and particularly his preface to them strike deep into the same problem today. This truly modern mind saw the nexus between military and civil life when he wrote: "We cannot sufficiently forestall the time when the army is identified with the nation if we are ever to see the day when armies and wars exist no more, when the world consists of but one nation unanimous at last as regards its social structure—an event which should already have occurred long ago." To most readers Vigny is recalled as the dramatic and lyric poet, contemporary of Lamartine, Balzac, Hugo, and a host more present to us than he in the ambience of the late Empire and the Restoration. But in this work, as Edward Sackville-West has written, he reveals himself as "a man who had learnt that few things are really worth saying but that what must be said had better be said like this."

The stories are spare, compelling, and still believable today. The translator's enlightening introduction helps us examine intelligently a world the author explores with the detachment born only of intimate knowledge plus compassionate criticism. An important book for Americans at this time.

Indian Idyl

THE LIGHT IN THE FOREST. By Conrad Richter. Alfred A. Knopf. \$2.50.

A brief and touching idyl of Indian tribal culture in the early days of our history. The story is that of a white boy, adopted by the Delawares, who is forced to return to the civilized ideals and "restrained manner of existence" which repelled the first Americans. The tone is nostalgic rather than hortatory, but Mr. Richter has done such a good job in understanding and sympathizing with "either side" that he is open to the suspicion of being an artist.

Life in Harlem

SIMPLE TAKES A WIFE. By Langston Hughes. Simon and Schuster. \$1.95.

These popular and entertaining sketches of Negro life in Harlem form an interesting contrast with Richard Wright's "The Outsider." Mr. Hughes is not unaware of the race problem either; it is really the central issue of his

book, viewed here from the standpoint of the common man and with bitter laughter. But the animal pleasures and all too human follies of ordinary life, black or white, are also stressed—the binding cord of humanity which Wright temporarily at least has severed. One may regret only that Mr. Hughes has made these stories a little too popular and somewhat mechanical in execution.

Close to Horror

CHILDREN ARE BORN ON SUNDAY. By Jean Stafford. Harcourt, Brace. \$3.

There is something here that is close to horror, and several of these stories flutter in the realm of madness. "The Interior Castle" is a remarkable description of pain. "The Maiden" is a brilliant account of a loving and affectionate German couple—the models of domestic bliss for an admiring circle of Americans in Heidelberg—whose marriage was consummated in a bath of blood. But this new volume of Miss Stafford's stories has greater range, as well as depth, than some of her previous work. She has come to balance the virtuosity of her talent by a consistent regard for those who have been exploited by the brutalities of civilization as well as by the aberrations of psychobiology. She has found—one hopes deeply it will continue—a wider framework for the ogres and succubi who hover around her pen. These are excellent tales.

A 'Negro Family

GO TELL IT ON THE MOUNTAIN. By James Baldwin. Alfred A. Knopf. \$3.50.

A mature and skilful first novel by a writer of talent. The story concerns the somewhat morbid relationships of the members of a Negro family who are gathered together in a religious sect. Determined on salvation, they are cast down by sin. Their tangled histories are unraveled very well indeed, and only the final impact of the novel is somewhat muffled. Mr. Baldwin has placed himself, along with Ralph Ellison, in the advanced path of Negro writing today; he is determined to break out of the "cage" of his material, which might also be viewed, however, as the source and spring of his art.

Music

B. H. Haggin

THOUGH Lincoln Kirstein thought it advisable to step before the curtain and justify the presentation of Lew Christensen's "Filling Station" by the interest he hoped it would have for the audience as a document in the early history of what became the New York City Ballet, the audience knew better than he and responded to the piece not with an interest in it as history but with delight in its moment-to-moment operation as a work of art. "Filling Station" takes its place with Loring's "Billy the Kid" and Robbins's "Fancy Free" as one of the enduring works, one of the classics of American ballet—brilliant in its observation, its dance invention, its organization. So brilliant and so completely successful that, as in the case of "Billy the Kid," one wonders why the eye and mind that produced it did not produce anything as good after it.

I was going to say as in the case of "Fancy Free" too; but Robbins produced several brilliant ballets for musical shows; and now he has given us "The Afternoon of a Faun," in which a keen perception about the people of the world bounded by the walls and mirrors of the dance studio is presented effectively in movement keyed to the scale and tone of Debussy's music.

In "Filling Station" young Jacques d'Amboise's brilliant dancing is exciting not only in itself but for what it promises; Janet Reed again demonstrates her superb gift for comedy; and there are excellent performances by Maule, Barnett, Bigelow, Zompakos, O'Brien, and the rest. And among the good things about "The Afternoon of a Faun" is how well it uses the special gifts of LeClercq and Moncion—how much it profits by the way each of them establishes her or himself as a powerful presence on a stage.

That, I might add, is something—the only thing—Tallchief doesn't do; and it makes the difference between her Swan Queen with its unbelievable perfection and beauty, and Danilova's with its projection of personal force and radiance.

MACDOWELL'S piano concerto No. 2, played well by Sanroma with the Eastman-Rochester Symphony under Hanson, is a gifted American's expertly made copy of a nineteenth-century European model. With Hanson's "Romantic" Symphony (Columbia).

Loeffler's "A Pagan Poem" has beautifully wrought details, but isn't a well-integrated piece. Rosenthal's performance with the Paris Philharmonic is good; but the extensive piano part is played on a poor-sounding instrument. With Scriabin's "Poem of Ecstasy" (Capitol).

I regret having to report that Howard Swanson's "Short Symphony," which got a New York Critics' Circle citation, makes no sense to me. Nor do I like what I do understand of the mixture of the traditional and the new in Meyer Kupferman's "Little Symphony." Good performances by Litschauer and the Vienna State Opera Orchestra (Vanguard).

I have to report also that John Vincent's Quartet No. 1, which for Virgil Thomson "sings and dances its happy way through four remarkably integrated movements," is to my ears diffuse and amorphous. Good performance by the American Art Quartet (Contemporary).

A big event is the Schneider Quartet's recording of Haydn's Opus 20 (Haydn Society). Of the works, Nos. 1, 2, and 3 are very fine; Nos. 4 and 5 are among the outstanding examples of the genre; and No. 6 is moderately engaging, though of lesser stature. As for the performances, one hears this time not only exciting life in all the parts but the beautifully integrated ensemble playing of a quartet of the first rank.

Playing of this caliber is also done by the New Music Quartet in two engaging works by minor composers of the eighteenth century: Stamitz's Quartet Opus 14 and Richter's Op. 5 No. 1 (Bartok).

The Paganini Quartet's performance of Beethoven's Opus 74 ("Harp") (on one RCA Victor record with the previously issued Opus 59 No. 3) hasn't the

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fluidity, sensitiveness, and integration of the recently issued Budapest Quartet performance, but its recorded sound is more beautiful.

In the fine pre-war Busch-Serkin Trio performance of Schubert's beautiful Trio Op. 100 Adolf Busch played with an agreeable tone that he doesn't have in the newly issued performance, and Serkin with a simplicity and fluidity that also are missing at times in the new performance, where slower tempos induce him to strain for bigness of utterance (Columbia).

I have heard Szigeti begin a recital with a tremulous, wiry tone that became steady and luminous as he warmed up; but I have never heard him produce sounds as shockingly unpleasant as the ones all the way through Beethoven's Sonata Op. 96; and since they are not the sounds that lend themselves to phrasing, the playing is without musical interest. In Schubert's Rondo Brilliant Opus 70 there is better playing of the violin and the music (Columbia).

Though Leonard Rose plays well in Franck's Sonata I find the work less effective on the cello than on the usual violin. Leonid Hambro's playing of the piano part isn't always clear. With Grieg's Cello Sonata Opus 36 (Columbia).

Record Notes

BEETHOVEN: Piano Concerto No. 2: Backhaus with Vienna Philharmonic under Krauss (London); good performance.

Piano Concerto No. 5: Gieseking with Philharmonic Orchestra under von Karajan (Columbia); fine, though lightweight performance.

Piano Sonatas Op. 2, No. 2; Op. 57 ("Appassionata"); Casadesu (Columbia); performance of the early sonata exaggeratedly dry; that of the "Appassionata" alternately violent and coy.

Piano Sonatas Op. 53 and Op. 109: Serkin (Columbia); effective performance of Op. 109; but "Waldstein" shows Serkin's characteristic lapses of control.

Piano Sonata Op. 106 ("Hammerklavier"); Backhaus (London); mild, stolid performance that is fantastically inappropriate.

BRAHMS: Piano Concerto No. 2 Rubinstein with Boston Symphony under Munch (Victor); a high-powered performance which really doesn't take the music seriously.

Piano Quartet No. 2: Curzon with members of the Budapest Quartet (Columbia); excellent performance.

Symphony No. 2: Toscanini with the N. B. C. Symphony (Victor); superb performance.

GABRIELLI: Two Canzone for double string orchestra; Munchinger with the Stuttgart Chamber Orchestra (London); pleasant music in a fine performance. (With Telemann's uninteresting Viola Concerto in G Major).

MENDELSSOHN: Overture, Nocturne, and Scherzo from "A Midsummer Night's Dream"; Van Beinum with the Concertgebouw Orchestra of Amsterdam (London); fine performance. (With Schubert's "Rosamunde" music.)

MOZART: String Quartet K. 458; Griller Quartet (London); fair performance. (With the fine early quartet K. 168.)

PALESTRINA: Supplicationes for men's voices; Harvard Glee Club under Woodworth (Cambridge); superb music; performance crudely inflected. (With other fine pieces by Byrd, Lassus, Victoria and others.)

PISTON: Quintet for Strings and Piano; Earl Wild with the Walden Quartet (WCFM); each movement begins attractively but fails to carry through any very impressive musical thinking; performance effective; string tone very dry and shrill. (With Martinu's uninteresting String Quartet No. 6.)

SCHUBERT: Sonata in A Minor ("Arpeggione"); Gendron (cello) and Francaix (piano) (London); good performance. (With Schumann's Fantasiestücke, Op. 73, and Drei Romanzen, Op. 94.)

STRAUSS: Ein Heldenleben; Dorati with Minneapolis Symphony (Mercury); routine performance.

Suite from "Le Bourgeois Gentilhomme"; Krauss with Vienna Philharmonic (London); excellent performance.

WAGNER: Siegfried's Rhine Journey and Funeral Music from "Götterdämmerung"; Prelude and Liebestod from "Tristan"; Steinberg with the Pittsburgh Symphony (Capitol); fair performance.

French Art Songs: Debussy, Ravel, Chabrier: Jansen (baritone), and Bonneau (piano), Rampal (flute), Gendron (cello) (London); attractively straightforward singing of the inconsequential Chabrier and Ravel songs, which proves inadequate to the powerful Debussy songs.

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Letters

(Continued from inside front cover)

them, as I can remember. And I never heard of any of our white neighbors flogging Negroes who worked for them. There was no hate in the hearts of the whites "in our neck of the woods" for the Negroes. They were well provided for with houses about as comfortable as we had to live in, with wells of good drinking water. When their larders became scanty of food, they came and were supplied from our smoke-house with meat, lard, etc. and with corn from our crib for meal. When father hired Negroes by the day or week or by the job, they were fed of the bounties that we had, and plenty of it, of course at the servants' table in the kitchen. Our mother always saw that they had enough.

But looking back from the vantage-point of the present day, we can see that the Negroes were sadly neglected sixty years ago, even forty years ago. So far as we knew, they seemed to be satisfied with their lot; and the white folk seemed not to care much whether the Negro had an equal right to an education, or to the exercise of his privilege of the franchise. Indeed, remarkable changes have taken place in the Black Belt within the life span of some of us, and for the betterment of both the white and the Negro races.

Most Southern white people welcome the present trend for the betterment of the Negro race and are willing to go along progressively, in an orderly manner, to provide more adequate facilities and opportunities for the social, economic, moral, and spiritual improvement of these our neighbors and fellow-Americans. Truly, a new day is dawning in the deep South, for which more and more of the right-thinking people of both races are longing and working. But we who were "brought up" with the Negro would much appreciate kind consideration from those who were not so fortunate, or unfortunate, as we, when they speak or write concerning us in their eagerness to hurry the completion of the transformation, whatever that might be. The transformation must come about gradually.

Clinton, Miss.

JESSE L. BOYD

Chaplin in New Orleans

Dear Sirs: Permit me to make one small correction in William Murray's excellent article, Chaplin and His Censors [*The Nation*, March 21]. It is true that in

New Orleans the pressure of the American Legion caused RKO Orpheum Theater managers to ban "Limelight" after three days. The public reaction, however, caused an independent theater to bring it back, and it played to a packed house every night for three weeks.

The courage shown by the managers of the Avenue Theater in presenting this excellent film should inspire others to resist the pressure groups that try to impose their will upon our industries and institutions.

New Orleans

FRANK E. SMITH

Task of Liberalism

Dear Sirs: The world will little note nor long remember the platitudes Eisenhower is feeding the people, but it cannot avoid the consequences of his actions for decades to come. It is rather for the liberals to hereby dedicate themselves to the supreme task of defending our vanishing civil liberties and public domain. It is altogether fitting and proper that we should do this, because we all have a vested interest in preserving this nation, so life, liberty, and the just distribution of property shall not vanish as phrases from our land.

I salute *The Nation* as one of the finest publications still extant in the United States. May you never weaken!

WILBUR L. JENKINS

Phoenix, Ariz.

A Student Speaks

Dear Sirs: I have just read your special issue (June 28, 1952) dealing with the problem of How Free Is Free? It was a magnificent issue. Nowhere else have I read a series of articles which so clearly and precisely defined the trend of the times. I needed something material to which I could turn to help me solve the problems confronting all intelligent thinking people regarding the "fear," the monster which threatens to choke free expression and thought. Your issue has helped me understand the "fear."

I am a freshman in college. In student-packed rooms, in the classrooms, on the college paths, everywhere, people speak of McCarthyism. Some admire it—the essence of disillusionment; many hate it. People speak of the red scare, of Jenner, or Velde. I have felt that I have not taken interest enough in the actions of these men. I know their names and their aims but have not developed strong opinions about their actions. However, after reading this issue of *The Nation*, the confused problems seem to have

focused in my mind. I see the threat. I hate it now, because I see that if we allow the McCarthys to run wild in their investigations, people will not be able to browse through dusty books, people will not be able to write what they feel, to speak what they think; and these are the silent joys of life and to kill them is to kill a part of living. . . .

Thank you, sir, for this fine issue. It is a work to be set alongside "Areopagitica," and even the "Bill of Rights."

ANTHONY TUTTLE

Gambier, Ohio

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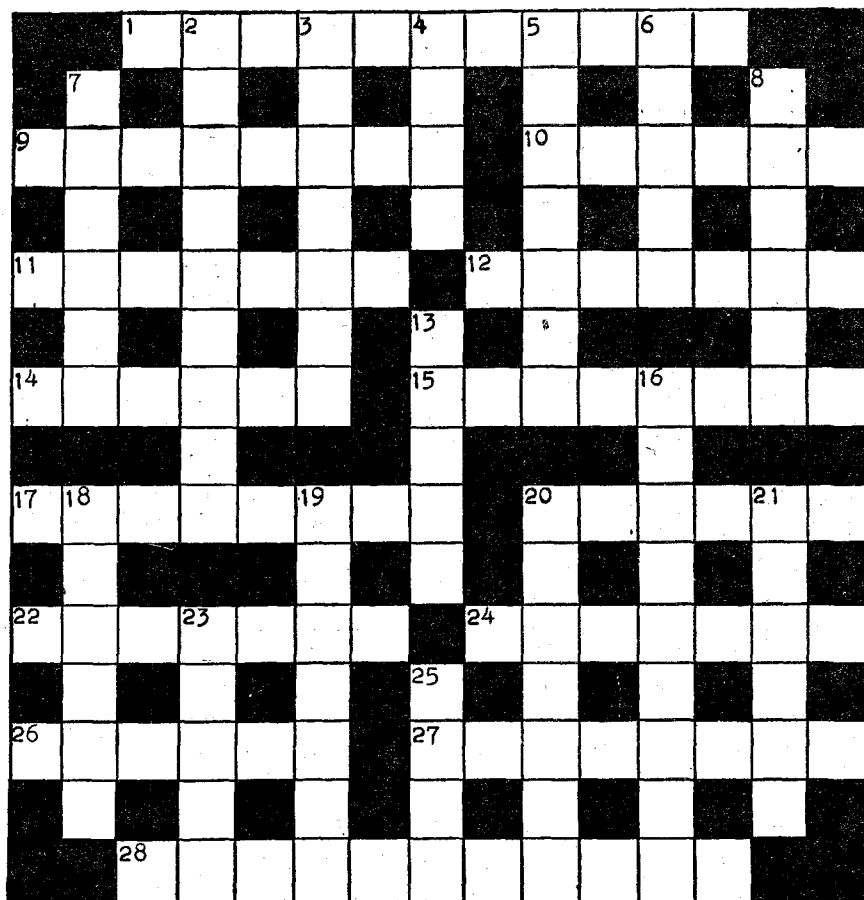
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Crossword Puzzle No. 518

BY FRANK W. LEWIS



ACROSS

- 1, 13 and 23 down. Implying the miracles of testament continue? (4, 7, 5, 5)
- 9 The determination of 1 is, in most cases. (8)
- 10 See 19 down.
- 11 Just a short day before the opening of the vessel. (7)
- 12 Alter screens in church perhaps. (7)
- 14 Redundant at bridge, unless you're trying to get around the city. (2-4)
- 15 Costume for musicians, perhaps. (8)
- 17 The power of a literary vehicle, described as wonderful. (3-5)
- 20 He's fit to be regarded with some awe. (6)
- 22 What a speleologist might be expected to do, on the surface? (7)
- 24 Billy-boy in later years? (7)
- 26 Hold it near, perhaps, as you might good counsel. (6)
- 27 Remembered what some people have done to officials? (8)
- 28 What rosemary is for. (11)

DOWN

- 2 This might show the character of the Chinese. (9)
- 3 Exaggeration made by a little child caught in falsehoods. (7)
- 4 Not even courage helps when they're against you. (4)

- 5 Longshoremen—and one might be 10. (7)
- 6 Tries incorrect formal procedures. (5)
- 7 and 8. You'll see it in black and white—it's advent is supposed to portend trouble. (6, 6)
- 13 See 1 across.
- 16 This sort of rate shouldn't be too high. (You might want to change it to locate I. B. M.) (9)
- 18 One dit-dit-dit, dah-dah-dah, dit-dit-dit is enough to get them to encircle criminals. (6)
- 19 and 10 across. Proposal to lower the taxes (at the same time looking for tax evaders)? (7, 6)
- 20 This enables some people to sail through *Mare Nostrum*. (7)
- 21 See 25 down.
- 23 See 1 across.
- 25 and 21. Make provisions for root sticks. (10)

SOLUTION TO PUZZLE No. 517

ACROSS:—1 BELIEVE IT OR NOT; 8 ARMISTICE DAY; 10 KENILWORTH; 11 COWS; 13 AVAUNT; 14 TRACHEAL; 16 TRIGONAL; 17 BOBCAT; 19 IONS; 20 COMMANDANT; 22 SHORT-CHANGED; 23 DOUBLE FEATURES.
DOWN:—1 BLANK CARTRIDGE; 3 LAMENTATIONS; 3 EAST LONDON; 4 EDISON; 5 THEATERS; 6 REAM; 7 HORSE LATITUDES; 9 MONEYCHANGER; 12 ACCOUNTANT; 15 HAM ON RYE; 18 AMECHE; 21 CHUB.

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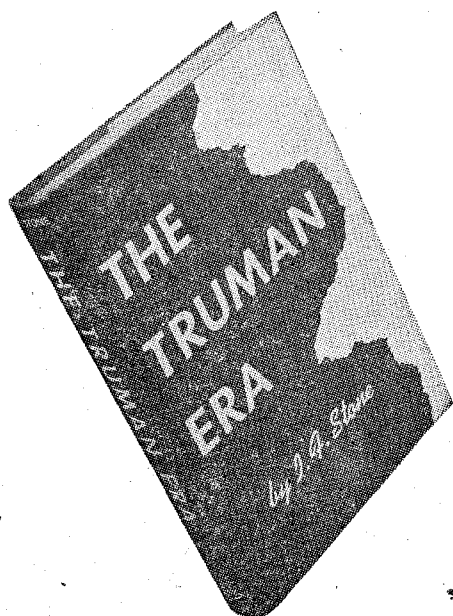
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